



AGENDA
SPECIAL MEETING OF THE VILLAGE BOARD
RICHFIELD VILLAGE HALL
4128 HUBERTUS ROAD, HUBERTUS, WI
THURSDAY NOVEMBER 07, 2013

7:00PM

1. Call to Order/Roll Call
2. Verification of Compliance With Open Meeting Law
3. Pledge of Allegiance
4. PUBLIC COMMENTS (Public comments are an opportunity for citizens to voice concerns to the Board regarding ITEMS ON THE AGENDA ONLY. Public comments are not a public hearing and are typically a one way conversation from a citizen to the Board. Individual comments shall not exceed 3 minutes, with a total time limit of approximately 20 minutes. Unless part of a Public Hearing, handouts will not be accepted by the Village. Comments beyond 20 minutes will be moved to the end of the meeting at the discretion of the President.)
5. OPEN SESSION
 - a. Discussion/Action regarding Ordinance 2013-11-01 an ordinance to amend §275-12 Discharge of weapons regulated and statutes incorporated, to prohibit the use of rifles during the gun hunting season
 - b. Discussion/Action regarding reconsideration of accept/reject low bid for Bark Lake Boat Launch project
6. Adjournment

Notification of this meeting has been posted in accordance with the Open Meeting Laws of the State of Wisconsin. It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may be in attendance at the above stated meeting to gather information; no action will be taken by any governmental body at the above stated meeting other than the governmental body specifically referred to above in this notice.

Requests from persons with disabilities who need assistance to participate in this meeting or hearing should be made to the Village Clerk's office at 628-2260 with as much advance notice as possible.

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AFFIDAVIT OF POSTING

Pursuant to Sec. 985.02(2), Wis Stats., I, Caroline Fochs, being duly sworn, state as follows:

1. I am an adult resident of the State of Wisconsin, and I make this affidavit on personal knowledge.
2. I hereby certify that I posted a copy of the attached:

Plan Commission Agenda 11-7-13 7:30 pm

Village Board Agenda 11-7-13 7:00 pm

on 11-1-13 (date), 2:30 pm (time), at the Village posting locations, namely: on the outside bulletin board of the Village Hall located at 4128 Hubertus Road, Hubertus; on the outside bulletin board at the Hubertus Post Office located at 3695 Hubertus Road, Hubertus; on the outside bulletin board at the Richfield Post Office located at 1925 Hwy 175, Richfield; and on the outside bulletin board at the Colgate Post Office located at 3392 Hwy Q, Colgate.

Caroline Fochs
Signature

11-1-13
Date

Personally came before me this 1st day
of November, 2013.

Margaret M. Runnels

Notary Public, State of Wisconsin

My commission expires 9/25/16

I also certify that notice of such meeting(s) were sent via email to the West Bend Daily News, the Germantown Express News, the Hartford Times Press, and the Milwaukee Journal Sentinel.

Signature

Date

I further certify that a copy has been posted to the Village website www.richfieldwi.gov.

Signature

Date

5 a



VILLAGE OF RICHFIELD

COMMUNICATION FORM

MEETING DATE: November 7, 2013

SUBJECT: Hunting With Rifles
 DATE SUBMITTED: October 31, 2013
 SUBMITTED BY: Joshua Schoemann, Village Administrator

POLICY QUESTION

SHOULD THE VILLAGE BOARD ADOPT AN ORDINANCE TO PROHIBIT THE USE OF RIFLES FOR HUNTING WITHIN THE VILLAGE?

ISSUE SUMMARY

In late September WIDNR announced that starting in 2013 the use of rifles for deer hunting will be allowed statewide, except where municipalities pass legislation prohibiting the same. In recent weeks various communities throughout the State have taken action to pass legislation prohibiting rifles in various ways.

After multiple request by Village Board members, and inquiries by Village citizens, Staff began to look into the matter in greater detail. Upon review of numerous regulations regarding the use of rifles, there seems to be a broad range of regulation. Everything from outright prohibitions to different zones to complete allowance. Furthermore, after retrieving information from an October 29 Milwaukee Journal Sentinel article, including a study commissioned by the Pennsylvania General Assembly, the amount of information available to make a decision is quite large.

Given the tight timeframe provided by the WIDNR, and the legitimate concern by various citizens and Board members, it is Staff's considered opinion that the Board approve the attached ordinance, prohibiting the use of rifles for hunting in the Village of Richfield. Then, in the coming months, if it pleases the Board to further consider this matter, Staff could research and present additional alternatives prior to any hunting seasons in 2014.

FISCAL IMPACT:

REVIEWED BY: Donna Jaerson
 Village Deputy Treasurer

Initial Project Costs: NA
 Future Ongoing Costs: NA
 Physical Impact (on people/space): NA
 Residual or Support/Overhead/Fringe Costs: NA

ATTACHMENTS:

1. Proposed Ordinance 2013-11-1
2. Village Ordinance - Chapter 275. Peace and Good Order
3. Germantown Ordinance
4. Town of Eagle Ordinance
5. Town of Verona, Dane Co. Ordinance
6. Town of Addison Ordinance
7. PA Assembly Study re: Rifles
8. 10/29/13 Journal Sentinel Article

STAFF RECOMMENDATION:

Motion to adopt Ordinance 2013-11-1 an ordinance creating § 275-12(G) of the Village of Richfield code of ordinances prohibiting the use of rifles for hunting within the Village.

APPROVED FOR SUBMITTAL BY:

CLERK'S USE ONLY
 BOARD ACTION TAKEN




VILLAGE OF RICHFIELD

COMMUNICATION FORM

MEETING DATE: November 7, 2013

SUBJECT: Hunting With Rifles
DATE SUBMITTED: October 31, 2013
SUBMITTED BY: Joshua Schoemann, Village Administrator



Village Staff Member

Village Administrator

Resolution No. _____
Ordinance No. _____
Approved _____
Other _____

Continued To: _____
Referred To: _____
Denied _____
File No. _____

ORDINANCE 2013-11-1

**AN ORDINANCE CREATING § 275-12(G) OF THE
VILLAGE OF RICHFIELD CODE OF ORDINANCES PROHIBITING
THE USE OF RIFLES FOR HUNTING WITHIN THE VILLAGE**

WHEREAS, the Village Board previously adopted § 275-12, **Discharge of weapons regulated and statutes incorporated**; and

WHEREAS, the Wisconsin Department of Natural Resources has promulgated regulations that will now allow for the use of rifles for hunting throughout the state unless otherwise restricted by law or local ordinance; and

WHEREAS, it is in the interests of the public's health, safety and welfare that the Village Board regulate the use of dangerous weapons within the Village;

NOW, THEREFORE, the Village Board of the Village of Richfield, Wisconsin, do ordain as follows:

Section 1. Section 275-12(G) of the Village of Richfield Code of Ordinances is hereby created to read as follows:

(G) The use of rifles for hunting within the Village is prohibited.

Section 2. This ordinance shall become effective upon passage and posting.

Section 3. Several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful, or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections, or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

Passed and adopted this 7th day of November, 2013.

Joshua Schoemann, Administrator/Clerk

John Jeffords, President

Village of Richfield, WI
Thursday, October 24, 2013

Chapter 275. PEACE AND GOOD ORDER

Article II. Firearms

§ 275-10. Violations and penalties.

Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II). Each violation of any provision of this Article II shall be subject to the penalties and remedies described in § 1-3 of this Code, except that the forfeiture amount described in § 1-3A shall be not less than \$10 and not more than \$200 for each violation.

§ 275-11. Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

FIREARM

A weapon which expels a missile by the explosive force of gunpowder, compressed air, or compressed gas.

OTHER DANGEROUS WEAPON

Bow and arrow, crossbow, slingshot, blow gun, or other similar weapons.

§ 275-12. Discharge of weapons regulated and statutes incorporated.

A. The purpose of the regulations of this subsection is to protect the public health and safety.

B. Adoption of statutes.

- (1) The following Wisconsin State statutory provisions describing and defining the regulations of firearms and dangerous weapons, exclusive of any provisions therein relating to penalties to be imposed, are adopted by reference and made a part of this section as if fully set forth herein: *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

§ 167.30 Use of firearms, etc., near park, etc.

§ 167.31 Safe use and transportation of firearms and bows

§ 175.35 Waiting period for purchase of handguns

§ 175.60 License to carry concealed weapon

- (2) This subsection is intended to be as restrictive as the foregoing Wisconsin State Statutes. In the event the Wisconsin State Statute sections described above are amended or renumbered or otherwise revised, the amended, renumbered or revised Wisconsin State Statutes are incorporated herein and shall control.
- C. It shall be unlawful for any person to discharge any firearm or other dangerous weapon within the boundaries of the Village in a careless and heedless manner and in willful and wanted disregard for the rights and safety of others, or without due caution, or in a manner so as to endanger or be likely to endanger property or any person.
- D. It shall be unlawful for any person other than a law enforcement officer in the performance of official duties to use or discharge a firearm or other dangerous weapon:
- (1) Within 500 feet of a building devoted to human occupancy without the permission of the owner or occupant. The term "building," as used in this subsection, shall not include a house trailer, mobile home, tent, bus, truck, vehicle or similar portable unit.
 - (2) Within a distance of 200 feet from the center line of any highway or road surfaced with concrete or blacktop.
 - (3) Within any Village park or other land owned by the Village.
 - (4) Within any publicly owned land except as expressly allowed and duly authorized by state law.
- E. In no case shall a firearm or other dangerous weapon be discharged in a direction that could result in the projectile landing on or flying over any adjacent property unless the owner of such adjacent property has given written permission to do so.
- F. The provisions of this section which regulate the location of the discharge of a firearm or other dangerous weapon shall not apply to the discharge of firearms or other dangerous weapons within shooting ranges that are properly permitted pursuant to Chapter 143 of this Code, provided the discharge is conducted fully in compliance with the conditions of the permit, the rules of the shooting range, and other applicable laws. *Editor's Note: Original § 38.02(C)(7) of the prior Code, added 12-15-2011 by Ord. No. 2011-12-1, which immediately followed this subsection, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

§ 275-13. Throwing or shooting of arrows, stones, and other missiles.

For the purpose of protecting public health and safety, no person other than a law enforcement officer in the performance of official duties shall throw or shoot any object,

arrow, stone, or other missile or projectile, by hand or any other means, at any person or at, in, or into any building, street, sidewalk, highway, park, playground or other public place within the Village.

ORDINANCE NO. ____-13

AN ORDINANCE CREATING § 9.02(2)(c) OF THE
MUNICIPAL CODE OF GERMANTOWN PROHIBITING
THE USE OF RIFLES FOR HUNTING WITHIN THE VILLAGE

WHEREAS, the Village Board previously adopted § 9.02 of the Municipal Code of Germantown, which established certain regulations related to firearms and other dangerous weapons within the Village; and

WHEREAS, the Wisconsin Department of Natural Resources has promulgated regulations that will now allow for the use of rifles for hunting throughout the state unless otherwise restricted by law or local ordinance; and

WHEREAS, it is in the interests of the public's health, safety and welfare that the Village Board regulate the use of dangerous weapons within the Village;

NOW, THEREFORE, the Village Board of the Village of Germantown, Wisconsin, do ordain as follows:

SECTION I:

Section 9.02(2)(c) of the Municipal Code of Germantown is hereby created to read as follows:

- (c) **Hunting.** The use of rifles for hunting within the Village is prohibited. Hunting within the Village shall be limited to bow, shotguns, muzzleloaders, handguns and rimfire rifle use only.

SECTION II:

The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

SECTION III:

All ordinances or parts of ordinances contravening the terms of this ordinance are hereby to that extent repealed.

ORDINANCE NO. ____-13

Page 2

SECTION IV:

This ordinance shall take effect and be in full force upon its passage and the day after publication.

Introduced by _____ on _____, 2013.

Adopted: _____, 2013 Vote: Ayes: Nays: Absent:

Dean Wolter, Village President

ATTEST:

Approved as to form:

Barbara Goeckner, Village Clerk

Brian C. Sajdak, Village Attorney
Published: _____

ORDINANCE NO. 08-06

AN ORDINANCE TO AMEND CHAPTER 13 OF THE ORDINANCES OF
THE TOWN OF EAGLE ESTABLISHING REGULATIONS CONCERNING
THE DISCHARGE OF FIREARMS AND OTHER WEAPONS
WITHIN THE TOWN OF EAGLE

WHEREAS, on or about September 18, 1991 the Town Board for the Town of Eagle adopted Ordinance No. 91-11, which repealed and recreated regulations concerning the use of firearms in the Town of Eagle; and

WHEREAS, Section 66.0409 of the Wisconsin Statutes permits towns that have been authorized to exercise Village powers to enact ordinances restricting the discharge of firearms; and

WHEREAS, the Town Board desires to enact regulations related to discharge of firearms and other weapons in the Town of Eagle to promote the health and general welfare;

NOW, THEREFORE, the Town Board of the Town of Eagle, Waukesha County, Wisconsin, DO ORDAIN AS FOLLOWS:

SECTION 1: Ordinance No. 91-11 of the Town of Eagle, entitled "An Ordinance to Repeal and Recreate the Ordinance Regulating the Use of Firearms" is hereby repealed and Chapter 13 of the Ordinances of the Town of Eagle is hereby created to read as follows:

Chapter 13
Discharge of Firearms and Other Weapons

13.01 Definition.

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (a) *Firearm* means a rifle of any caliber, air rifle, shotgun of any gauge, pistol, or revolver of any caliber.
- (b) *Handgun* means a firearm (such as a revolver or pistol) that is designed to be held and fired with one hand.
- (c) *Rifle* means any firearm other than a handgun having a grooved (i.e. rifled) barrel that, upon discharge, projects a round or elongated projectile. A shotgun of 10-gauge, 12-gauge or 20-gauge, or 410-gauge being operated with a rifled barrel for the discharge of shotgun slugs shall not be considered a rifle under this Chapter. Muzzle-loading firearms and shotguns which fire a single projectile are not considered rifles.

- (c) *Sport shooting range* means an area designed and operated for the practice of weapons used in hunting, skeet shooting and similar sport shooting.
- (d) *Transmission facility* means any pipe, pipeline, duct, wire, cable, line, conduit, pole, tower, equipment, or other structure used to transmit or distribute utilities to or for the public or to transmit or distribute communications or data to or from the public.

13.02 *Discharge near subdivision.*

No person shall discharge any firearm in any recorded subdivision in the Town or within 100 yards thereof.

13.03 *Discharge near residence, building, highway, or public park.*

- (a) No person shall discharge, or cause the discharge of, any firearm within 100 yards of any residence, building or public highway in the Town; across a highway; or within 50 feet of the center of a roadway in the Town.
- (b) No person shall discharge or cause the discharge of any firearm within 660 feet of any public park, square, or enclosure owned or controlled by any municipality.

13.04 *Discharge at transmission facility.*

Except as provided in Wis. Stat. § 167.31(4)(b) and (h), no person may intentionally discharge a firearm in the direction of a transmission facility.

13.05 *Rifle prohibition.*

No person shall discharge or cause the discharge of any rifle larger than .22 caliber rim fire within the territorial limits of the Town.

13.06 *Hunting and discharge of weapons prohibited on property owned by the Town.*

- (a) Hunting of any form or nature is hereby prohibited on any property owned by the Town of Eagle.
- (b) No person may fire or discharge any firearm, gun, weapon, or bow and arrow on any property owned by the Town of Eagle.

13.07 *Exceptions.*

Unless otherwise indicated, the prohibitions of this Chapter 13 shall not apply to:

- (a) Any peace officer in the performance of their duties.
- (b) Any member of the U.S. armed forces or the national guard in the performance of their duties.
- (c) Any private security person as defined in Section 440.26(1m)(h) of the Wisconsin Statutes who meets all of the requirements under Section 167.31(4)(a)(4) of the Wisconsin Statutes.
- (d) Activities upon any bona fide sport shooting range.

- (e) Any property owner or adult occupant of any real estate within the Town may use and discharge any rifle, air rifle, pistol or revolver upon the premises owned or occupied as aforesaid, and may use and discharge a shotgun on such lands even though prohibited in Sections 13.02 through 13.06 of this Chapter, provided such use is for the sole purpose of protection of life, subject to Wis. Stats. § 939.48, and property, subject to Wis. Stats. § 939.49.
- (f) Notwithstanding the provisions of Sections 13.02 and 13.03, an adult owner or adult occupant of any land within the Town may, while on their own property and subject to all applicable State restrictions and regulations, discharge an air rifle or shotgun:
 - i. for the sole purpose of controlling rodents that are not protected species; or
 - ii. for the purpose of controlling skunks, opossum and/or raccoons that:
 - 1. are causing damage; or
 - 2. are about to cause damage; or
 - 3. may constitute a health hazard or other nuisance.

No shotgun may be discharged by any person under this Section while loaded with a slug or with any shot with a larger diameter than #6. The adult owner or adult occupant shall be responsible to ensure that the discharge from any air rifle or shotgun cannot end up onto any adjacent property.

13.08 *No hunting without permission.*

Except as otherwise prohibited under Sections 13.02 through 13.06, hunting may be permitted by the owner or adult occupant of land within the Town provided such hunting is by use of a shotgun or other devices not prohibited in Section 13.05 of this Chapter, and further provided that the discharge shall not be above or into another's land or across a traveled roadway.

13.09 *Parental responsibility.*

If a minor shall violate this Chapter, the parent or guardian shall be responsible for such violation in the same manner as if such parent or guardian had violated this Chapter, and ignorance of such violation shall not be a defense; prosecution of such parent or guardian shall not be a bar to prosecution of such minor.

13.10 *Penalty.*

Any person who shall violate, neglect or refuse to comply with any of the provisions of this Chapter shall, upon conviction thereof, forfeit or pay a fine of not less than \$200.00, nor more than \$500.00, together with costs of prosecution, and in default of payment thereof, shall be imprisoned in the county jail for a period not to exceed 30 days or until such forfeiture and subsequent costs have been paid.

SECTION 2: SEVERABILITY.

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 3: EFFECTIVE DATE.

This ordinance shall take effect immediately upon passage and posting or publication as provided by law.

Dated this 19th day of November, 2008.

TOWN OF EAGLE

Robert Kwiatkowski, Town Chair

ATTEST:

Lynn M. Pepper, Town Clerk

Published and posted this _____ day of _____,
2008.

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Ordinance #69-3

Discharge of Rifles

AN ORDINANCE REGULATING THE DISCHARGING OR FIRING OF CERTAIN FIREARMS, IN THE TOWN OF VERONA, DANE COUNTY, WISCONSIN

WHEREAS, It is deemed expedient, necessary and in the interests of public safety to prohibit the discharging or firing of certain firearms, in the Town of Verona, Dane County, Wisconsin:

NOW, THEREFORE, The Town Board of the Town of Verona, Dane County Wisconsin, Does ordain as follows:

No person, except a sheriff, constable, police officer, or their deputies, shall discharge or fire any rifle, except a rim fire 22 caliber, within the Town of Verona, or have any such rifle in his or her possession or under his or her control, except with a permit issued by the Town of Verona, unless it is unloaded and knocked down or enclosed within a carrying case or other suitable container, provided that this section shall not prevent the maintenance and use of duly supervised rifle ranges or shooting galleries authorized by the Town Board, and further provided that this section shall not prevent the discharge or firing of any rifle during hunting season and within the rules established by the Wisconsin Department of Natural Resources upon lands where written permission is obtained from the landowner.

Any person who shall violate any provisions of this ordinance shall, upon conviction thereof of the first offense, forfeit not less than \$1.00 nor more than \$100.00, together with the costs of prosecution, and in default of payment of such forfeiture and costs of prosecution, shall be imprisoned in the County Jail until said forfeiture and costs are paid, but not exceeding 90 days. Any person found guilty of violating this ordinance who shall previously have been convicted of a violation of this ordinance shall, upon conviction thereof, forfeit not less than \$10.00 nor more than \$200.00 for each such offense, together with the costs of prosecution, and in default of payment of such forfeiture and costs, be imprisoned in the County Jail until said forfeiture and costs of prosecution are paid, but not to exceed 6 months.

THIS ORDINANCE Shall take effect the day after its publication in the official town newspaper and posting in three (3) public places within the Town of Verona.

ADOPTED by the Town Board of the Town of Verona, Dane County, Wisconsin, this 1st day of October , 1969.

TOWN OF ADDISON

ORDINANCE NO. 2013-01

An Ordinance establish Prohibiting the use of Rifles during Gun Deer Hunting Season

WHEREAS, The Town Board of the Town of Addison has the authority to enact ordinances pursuant to Wisconsin Statutes Section 60.77; and

WHEREAS, the Town Board of the Town of Addison has the power to act for the health, safety and welfare of the public pursuant to Wisconsin Statutes Section 61.34; and

WHEREAS, the Town Board of the Town of Addison has determined that the density of population with its boundaries does warrant safety precautions for its residents

NOW THEREFORE, the Town Board of the Town of Addison hereby does ordain as follows:

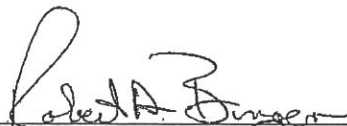
Section 1: It shall be unlawful for any person to use or discharge a rifle within the Town of Addison during any gun deer hunting season.


Section 2: Any person who shall violate this Ordinance shall, upon conviction thereof, be subject to a forfeiture of not less than \$100.00, nor more than \$500.00. Each day that a violation is committed shall constitute a separate violation.

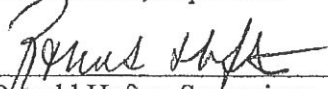
Section 3: If any section or portion thereof of this Ordinance shall be declare by a decision of a court of competent jurisdiction to be invalid, unlawful, or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provision, section or portion thereof of the Ordinance which shall remain in full force and effect.

Section 4: This Ordinance shall be in full force and effect upon passage and posting or publication by the Town Clerk as required, pursuant to s. 60.80, Wis. Stat.

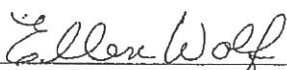
Passed and adopted by the Town Board of Town of Addison, Washington County, Wisconsin, this 17th day of October, 2013.

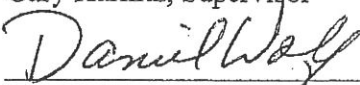

Robert A. Bingen, Chairperson

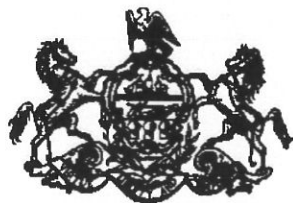

Don Heesen, Supervisor


Ronald Hefter, Supervisor

Attest:


Ellen Wolf, Clerk

Gary Karnitz, Supervisor

Daniel Wolf, Supervisor



Legislative Budget and Finance Committee

A JOINT COMMITTEE OF THE PENNSYLVANIA GENERAL ASSEMBLY

Offices: Room 400 • Finance Building • Harrisburg • Tel: (717) 783-1600

Mailing Address: P.O. Box 8737 • Harrisburg, PA 17105-8737

Facsimile (717) 787-5487

SENATORS

ROBERT M. TOMLINSON

Chairman

GERALD J. LAVALLE

Vice Chairman

JAY COSTA, JR.

JOHN PIPPY

ROBERT C. WONDERLING

JOHN N. WOZNAK

REPRESENTATIVES

RON RAYMOND

Secretary

VACANT

Treasurer

ANTHONY M. DELUCA

ROBERT W. GODSHALL

DAVID K. LEVDANSKY

T. MARK MUSTIO

EXECUTIVE DIRECTOR

PHILIP R. DURGIN

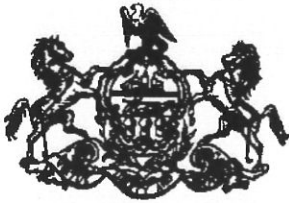
CHIEF ANALYST

JOHN H. ROWE, JR.

“Do Shotguns and Muzzleloaders Pose Less Risk Than Centerfire Rifles for Hunting Deer in Pennsylvania?”

Conducted Pursuant to
House Resolution 61 of 2005

March 2007



Legislative Budget and Finance Committee

A JOINT COMMITTEE OF THE PENNSYLVANIA GENERAL ASSEMBLY

Offices: Room 400 • Finance Building • Harrisburg • Tel: (717) 783-1600

Mailing Address: P.O. Box 8737 • Harrisburg, PA 17105-8737

Facsimile (717) 787-5487

SENATORS

ROBERT M. TOMLINSON

Chairman

GERALD J. LAVALLE

Vice Chairman

JAY COSTA, JR.

JOHN PIPPY

ROBERT C. WONDERLING

JOHN N. WOZNAK

March 2007

To the Members of the General Assembly:

REPRESENTATIVES

RON RAYMOND

Secretary

VACANT

Treasurer

ANTHONY M. DELUCA

ROBERT W. GODSHALL

DAVID K. LEVDANSKY

T. MARK MUSTIO

House Resolution 61 of 2005 directed the Legislative Budget and Finance Committee to conduct a study on the use of rifles versus shotguns and to recommend whether special regulation areas (shotgun and muzzleloaders only) should be expanded within the Commonwealth.

Due to the specialized nature of this topic, the Committee contracted with MountainTop Technologies, Inc. (MTT), a research firm based in Johnstown, PA, to conduct the study.

The MTT report is contained herein. As with all LB&FC reports, the release of this report should not be construed as an indication that the Committee or its individual Committee members necessarily concur with its findings and recommendations.

EXECUTIVE DIRECTOR

PHILIP R. DURGIN

CHIEF ANALYST

JOHN H. ROWE, JR.

Sincerely,

Philip R. Durgin
Executive Director

1.0 INTRODUCTION AND REPORT CONCLUSION

This report was completed in response to the Commonwealth of Pennsylvania's House Resolution 61 (HR 61) directive to the Legislative Budget and Finance Committee to conduct a risk assessment on the use of rifles versus shotguns for hunting in Pennsylvania (See Appendix A).

1.1 Historical Context¹

The Pennsylvania Game Commission (PGC) first restricted use of centerfire firearms in 1964 when it announced special regulations for that portion of southeastern Pennsylvania encompassing Delaware and Philadelphia Counties and portions of Bucks, Montgomery and Chester Counties. At the time, it became illegal to take deer through the use of any single projectile whether fired from a rifle or shotgun. The Commission directed that, in these areas, "deer may be taken only through the use of the long bow and arrow and with shotguns, including autoloading or semiautomatic shotguns loaded to full capacity, not smaller than 20 gauge with shot not smaller than No. 4 buckshot."

In 1979, the Commission acted to expand the Southeast Special Regulations Area and allowed for use of single projectile shotgun and muzzleloader ammunition. It was at this time that the Commission established another Special Regulations Area—Allegheny County in Southwestern Pennsylvania - where single projectile centerfire rifles were prohibited for the taking of deer. Unlike the Southeast Special Regulations Area, buckshot was not allowed for the taking of deer in the Southwest. In 1991, in response to expanding urbanization, the PGC acted to enlarge the Southeast Special Regulations Area to include all of Bucks, Chester, Montgomery, Delaware, and Philadelphia Counties.

Two specific incidents served to focus public and political attention on this subject. In 1996, two non-hunting Pennsylvania citizens in western Pennsylvania were struck and killed by bullets fired from deer hunters. In Beaver County, a woman was killed in her home while watching television with her children. A rifle bullet passed through a wall and struck the woman in the neck, fatally wounding her. In the other accident, a man was killed while driving in Washington County. A bullet passed through the vehicle's window, striking the driver. Hunters were implicated in both incidents.

At that time, the PGC directed its staff to investigate these incidents and the PGC Executive Director subsequently directed the agency's Deputy Executive Director to chair a special task force to study the issue. This committee met, conducted study activities, and issued a report in 1998. The report recommended designation of two additional areas as Special Regulations Areas and the prohibition of centerfire rifles for deer hunting in these areas. Because of the negative response from local hunters and sportsmen's groups in these areas, the PGC did not act on the

¹ LB&FC (2005) This section is a summary of portions of the Request for Proposals document.

recommendation but instead decided to seek documentation of the contention that shotgun slugs would be safer than rifle bullets.

PGC staff began by checking with wildlife agency representatives from the states immediately surrounding Pennsylvania as well as from Michigan and Wisconsin. All have substantial areas where centerfire rifles are restricted and PGC staff sought to understand the motivation and factual basis upon which these states had made their decisions. Of Pennsylvania's approximate 900 miles of border with other states, it was found that the centerfire rifle was unlawful along the entire boundary with the exception of western Maryland. They found that in no case was any state able to provide definitive information upon which they based their decision. In fact, most reported that they simply responded to the public perception that shotguns were less dangerous than centerfire rifles. At that time, PGC staff found there was no data to support the contention that shotguns and muzzleloaders are any less risky than centerfire rifles. They found, instead, that in the "shotgun-only" states this appears to be "an issue driven by emotion and politics rather than sound scientific data."²

Beginning in 1998, the PGC staff also began to collect statistical data on all hunting-related shooting incidents in Pennsylvania where stray bullets struck personal property. The purpose of establishing this database was to give the PGC the ability to move forward with a professional risk assessment of the rifle versus shotgun issue.

The urgency of moving forward with this assessment was reinforced in the fall of 2004 when a stray bullet fired by a hunter hit and injured an 18-year old woman as she was sitting in a car in her mother's North Whitehall Township, Lehigh County driveway. In response to the incident, the victim, her family, and some state legislators then asked the PGC to expand Special Regulations Areas.

The General Assembly also reacted by adopting House Resolution No. 61 (HR61) during the 2005 Session. The resolution was introduced by Representatives Semmel, B. Smith, Browne, Dally, Harhart and Reichley and passed as amended on March 16, 2005. The resolution directed the Legislative Budget and Finance Committee to conduct a study on the use of rifles versus shotguns within the Commonwealth. The Resolution states that suburban sprawl and population density growth are expanding within the Commonwealth, and sportswriters have suggested expanding and designating additional special regulations areas in response to this growth especially in light of tragic incidents during recent hunting seasons. Further, the Resolution states that when comparing population densities in Pennsylvania's 67 counties, it appears to be inconsistent that center fire rifles remain lawful in counties with a population density in excess of some of the counties which are now included within a Special Regulations Area.

² Schmit (1998).

To implement HR61, the House of Representatives directed the Legislative Budget and Finance Committee (LB&FC) to conduct a study on the use of rifles versus shotguns within the Commonwealth and recommend whether special regulation areas should be expanded and that the LB&FC contract with a risk assessment specialist to conduct the study in coordination with the PGC. The study was to include, but not be limited to, the following details:

- Ballistics
- Projectile construction
- Projectile type
- Topography
- Land use
- Population density
- Hunter density
- Structure density

The LB&FC was directed to prepare both a written and an oral report and present it to the Game and Fisheries Committee of the House of Representatives.

1.2 Methodology

MountainTop Technologies, Inc. (MTT) formed a team to respond to the LB&FC's Request for Proposals to conduct a spatial risk analysis of the use of rifles versus shotguns and muzzleloaders for hunting within Pennsylvania pursuant to HR61. The proposed work was structured into two phases with multiple tasks in each phase. On June 9, 2006 MTT presented a briefing to the LB & FC concerning the results of Task 1 of Phase 1. Based on the findings presented, the LB & FC decided to end the study after completion of Task 1, Phase 1. This task addressed the question,

Do shotguns and muzzleloaders pose less risk than centerfire rifles for hunting deer in Pennsylvania?

Task 1 was conducted as an analysis of the historical record of property damage from errant projectiles associated with deer hunting in Pennsylvania and a comparison of the ballistics of the use of rifles versus shotguns and muzzleloaders for hunting deer. As part of the analysis, MTT reviewed pertinent information that was collected or produced by the PGC concerning the use of rifles versus shotguns and muzzleloaders for hunting within Pennsylvania. The review focused on reports and records of errant projectiles from firearms used in the conduct of legally hunting deer and did not include accidental or intentional firearm discharges not associated with hunting deer.

Statistical methods used by MTT included using crime mapping techniques and a computer simulation to model firearms-ammunition combinations. MTT employed a spatial statistics package known as CrimeStat III for the analysis of point data. The MTT team also utilized empirically derived computer models to render a comparison of the danger areas associated with various firearm-projectile combinations.

1.3 The Project Team

MTT, based in Johnstown, PA, formed a team uniquely qualified in project management, small arms ballistics, risk assessment, and Geographic Information Systems (GIS). MTT served as the prime contractor. The *Armament Research, Development and Engineering Center (ARDEC)* at Picatinny Arsenal and *Advanced Technology Solutions, Inc. (ATS)* in Lancaster, PA, served as subcontractors. MTT used a Cooperative Research and Development Agreement (CRADA) with ARDEC, the parent organization of Quality Engineering and System Assurance (QESA) and Armaments Engineering and Technology Center (AETC) to work collaboratively on this project. The team's qualifications included:

1.3.1 MountainTop Technologies, (MTT) Inc.

MTT, (www.mountaintoptech.com), founded in 1992, has core competencies in web-based training; distance learning; broadband wireless network design and development (including point-to-point and point-to-multipoint applications); aircraft evaluation; aircraft maintenance and fueling; and airport safety technology development. MTT's past performance includes work completed for the Department of Defense, the Department of Justice, the Department of Energy, the National Guard Bureau, the Office of Naval Research, and the Pennsylvania Department of Military and Veteran's Affairs. To facilitate some of its work, MTT has negotiated a CRADA with Picatinny Arsenal in New Jersey. It is through this CRADA that MTT was able to engage the services of some of the foremost experts in the world in ballistics modeling and range safety.

1.3.2 US Army Armament Research, Development and Engineering Center (ARDEC)

ARDEC (<http://www.pica.army.mil/PicatinnyPublic/index.asp>) provided ballistics expertise for this project. ARDEC is part of the U.S. Army Research, Development & Engineering Command (RDECOM) and has facilities located at Picatinny Arsenal, New Jersey. ARDEC is the United States Government center of excellence for armament systems and munitions technologies. QESA's System Safety Engineering Division and AETC's AeroBallistics Division are DoD's experts in small arms ballistic modeling for analyzing range safety and identifying necessary improvements. QESA and AETC have developed the state of the art probability model to evaluate the parameters contributing to the military's Surface Danger Zone (SDZ) designation. A SDZ is an exclusion area identified to protect personnel from weapons firing during training on military ranges.

1.3.3 Advanced Technology Solutions, (ATS) Inc.

ATS (www.atsincorp.com) worked in close coordination with MTT and ARDEC to provide GIS support activities. Responsibilities included data acquisition, data conversion, mapping, and coordinating with state agencies. ATS compiled the pertinent data sets and geocoded and mapped incident records.

1.4 Definitions

Pertinent definitions are contained in Appendix B.

1.5 Conclusion

1.5.1 Summary Statement

Conventional wisdom holds that shotguns are inherently less risky than rifles when hunting deer. This is evidenced by the fact that the PGC as well as other states have established shotgun only hunting areas. This study, however, has concluded that this is not always the case.

Stated in a few words, when considering extreme, high, and moderate firing errors (35, 10 and 5 degrees firing elevations), shotguns and muzzleloaders are less risky than the centerfire rifle. When firing with smaller or no aiming error (approximately 0-degrees firing elevation), a shotgun proved to be riskier than a centerfire rifle. The muzzleloader was always less risky than both the rifle and shotgun. Eliminating or controlling the ricochet seems essential if the shotgun is to be used as an effective risk management option. If ricochets could be controlled, then the shotgun and muzzleloader would be less risky in all cases.

1.5.2 Discussion

The study concludes that comparing risk using only the maximum range obtained at a 35-degree firing elevation and the corresponding danger area of the firearm-ammunition combination provides the policy maker an incomplete picture. When discharging the examined firearm-ammunition combinations with large (10-degree) and moderate (5-degree) aiming errors, the danger areas of the shotgun and muzzleloader are less than that of the rifle; hence, given this firing condition, the shotgun and muzzleloader are less risky than the rifle. However, shotguns firing modern sabotated ammunition have a larger danger area than the .30-06 rifle when the angle of elevation is approximately level (0-degrees); hence, given this firing condition, the shotgun is riskier than the rifle. In other words, the typical hunter discharging a 12 gauge shotgun fitted with a rifled barrel firing a .50-caliber sabotated slug at a deer on level terrain is riskier than a hunter firing a .30-06 with a 150 grain expanding bullet at the same deer. The muzzleloader proved to have less risk in all firing conditions.

The explanation for the last case where the shotgun is more risky relates to how the .30-caliber projectile interacts with the impact media at shallow (low) angles and its aerodynamic characteristics after ricochet. The smaller cross sectional area of the .30-caliber projectile and its shape contributes to a higher loss of energy on impact

and after ricochet the .30-caliber bullet tends to tumble in flight with a high drag. Test data confirm that the .50-caliber projectile's larger cross sectional area and its shape contribute to less energy loss on shallow angles of impact and after ricochet the projectile exhibits less drag which results in a greater total distance traveled.

1.5.3 Recommendations

It is recommended that the PGC address the public perception that a shotgun with modern high velocity ammunition is less risky than centerfire rifles in all circumstances. This has some urgency since legally mandated Special Regulations Areas have promoted the assumption that shotguns are always less risky than a rifle for hunting deer. Frangible, or reduced ricochet, projectiles, for hunting firearms should be investigated as an alternative to the mandatory use of shotguns or muzzleloaders and as a means of managing risk in Special Regulations Areas. While the suitability of these projectiles for hunting deer remains unknown, the nature of these projectiles to break apart on impact would increase safety. The PGC should also enhance hunter education and continue to document and investigate incidents.

Local officials face deadline over enacting rifle hunting restrictions

By Don Behm of the Journal Sentinel
Oct. 29, 2013

Towns and villages in 18 counties across eastern and western Wisconsin have only a few weeks to decide if there are public safety reasons to prohibit rifle hunting for deer.

Local governments are scrambling to get the issue on meeting agendas before the Nov. 23 start of the annual nine-day deer gun season.

The state Department of Natural Resources declared in late September rifles will be allowed statewide for the traditional deer gun hunt and the December antlerless deer hunt, except where municipalities enact local restrictions.

Most counties in southern and central Wisconsin in the past were designated as shotgun-only for deer hunting, primarily in response to a public perception that shotguns were safer for hunting in open farm fields.

While shotgun slugs are not as accurate or powerful as rifle bullets over long distances, the DNR says a study of hunting accidents shows a switch to rifle hunting did not boost the number of injuries and other incidents.

DNR officials in the past few years could not confirm any safety advantages to hunting deer with shotguns rather than rifles so the change was made, according to Conservation Warden Todd Schaller, chief of the DNR's recreational enforcement section.

The department set off the dash for a local decision by announcing the end of shotgun-only counties for deer hunting in Wisconsin as of Nov. 1.

The decision followed votes in favor of the change at Conservation Congress spring meetings in 2011 and 2013, said Matt O'Brien, a DNR administrative warden in Madison.

And the number of counties prohibiting rifle hunting for deer had steadily declined before this year.

As of January 2013, the DNR listed 19 counties with shotgun-only zones for deer hunting. In one, Milwaukee County, all communities had enacted separate regulations to prohibit rifle hunting in any season.

The other 53 counties permitted rifle hunting for deer before the recent rule change.

Any new local regulation of rifle hunting should balance public safety issues with the state's responsibility to regulate hunting and manage wildlife populations, Schaller and O'Brien said.

One complication for hunters is that the DNR's declaration came after the 2013 deer regulations were printed, so a state map in the pamphlet still shows the 19 counties as shotgun-only zones.

One other complication: the DNR will not track local ordinances and provide a central database. It is the hunter's responsibility to determine if there are municipal restrictions on rifle use.

Patchwork of rules

The Village of Germantown in Washington County last week enacted a year-round ban on rifle hunting with an exception for low-powered .22-caliber and .17-caliber models using rimfire cartridges.

"It was a difficult decision, but it came down to topography and density of population," Police Chief Peter Hoell said.

Large flat fields of corn and soybeans north of Freistadt Road are his primary concern. High-powered rifle bullets could carry long distances across those fields, which are sandwiched between rural homes, subdivisions and crossroad hamlets, he said.

When the dust settles in a few weeks in the other 18 counties, the result likely will be a checkerboard quilt of ordinances with some municipalities imposing year-round prohibitions on rifle hunting, others restricting rifles only in the deer season, and the remainder taking no action.

But maneuvering through dozens of differing local regulations would be at odds with one of the main reasons for eliminating the shotgun-only counties, DNR officials said.

The change was intended to simplify hunting rules so that hunters would not need to check the deer regulation pamphlet, and switch weapons, each time they crossed a county line, according to O'Brien.

The checkerboard design is a work in progress:

From Germantown, a group of hunters walking north across Pioneer Road into the Town of Jackson will need to call ahead for information on rifle use.

Town staff and board members are studying the issue but no meeting has been scheduled.

Hunters walking south from Germantown into Menomonee Falls will have to put away their rifles and check where they can discharge a shotgun.

The village in Waukesha County had established a prohibition on rifle hunting several years ago and requires a municipal permit for hunting with shotguns or bows. Shotgun hunting is only allowed on designated properties that are 5 acres or larger.

West of Germantown, the Richfield Village Board is planning a special meeting Nov. 7 to discuss the need for restricting rifle use, Village Administrator Josh Schoemann said.

Hunters entering Richfield from Germantown should call ahead to determine which firearms are allowed.

Rifles are welcome for deer hunting in the Town of Cedarburg in Ozaukee County, a former shotgun-only

county. The Town Board in October decided not to impose restrictions on rifle hunting.

The town posted a link on its website to a [Pennsylvania study of the need for rifle hunting restrictions](#). The study concluded shotguns with rifled barrels could pose a greater public safety risk than rifles on level terrain, and there was a greater risk of ricochet with shotgun slugs than rifle bullets.

The Waukesha Town Board will discuss the issue of rifle hunting at its Nov. 14 meeting, Town Chairman John Marek said.

One additional consideration for local officials is that the old shotgun-only regulation applied only to deer seasons. There was a flip side of the rule: use of rifles for legal hunting of coyote, fox and bear during open seasons was permitted unless local restrictions were established.

In Mequon, the city had designated zones of 10 acres or more generally west of the Milwaukee River for hunting. Rifle hunting is prohibited throughout Mequon under an existing ordinance.

The Town of Addison in Washington County decided to re-establish a shotgun-only deer hunting zone within its town boundaries.

On Oct. 17, the Town Board adopted an ordinance prohibiting use of rifles in any gun deer hunting season. The board cited population density in enacting the limited restriction.

Even so, hunters can use rifles in other open seasons.

The Town of Hartford in Washington County took no action. The Hartford Town Board on Thursday could not reach consensus on either a year-round prohibition on rifles or a rifle ban only during the deer gun season.

On a 2-1 vote, the board decided to step back and monitor complaints in the upcoming season.

"There's not a lot of open area left in this town," Clerk Marvin Justman said. There are 22 rural subdivisions crisscrossing the municipality with the historic St. Lawrence hamlet on the north.

Enforcement difficult

Shotgun-only deer hunting regulations will be difficult to enforce and vulnerable to challenge now that the DNR has decided there is no safety advantage in hunting with shotguns, the Wisconsin Towns Association advises local governments.

Adding to the challenge: Conservation wardens do not have the authority to enforce local regulations.

This is one situation where the DNR recommends town officials either go big — impose year-round rifle hunting restrictions for public safety reasons — or do nothing.

A deer season-only restriction on rifles would be viewed by the department as a hunting regulation, rather than a public safety rule, and municipalities do not have authority to regulate wildlife hunting seasons, O'Brien said.

Why would a community restrict rifle use only during a deer gun season? he asked.

"If there is a public safety risk in hunting deer with rifles, then the risk exists 365 days a year" in hunting other

wildlife with rifles, O'Brien said.

For that reason, the DNR has distributed its preferred model town ordinance with a year-round ban on rifle hunting.

"Although the department does not feel any local ordinances are required, and in fact emphasizes minimal local regulation, certain localities may not share this position," O'Brien said in discussing the need for a model ordinance.

Twitter: twitter.com/conservednr

Find this article at:

<http://www.jsonline.com/news/milwaukee/local-officials-face-deadline-over-enacting-rifle-hunting-restrictions-b99125880z1-229644941.html>

☐ Check the box to include the list of links referenced in the article.

5 b



VILLAGE OF RICHFIELD

COMMUNICATION FORM

MEETING DATE: November 7, 2013

SUBJECT: Bark Lake Boat Launch
 DATE SUBMITTED: October 31, 2013
 SUBMITTED BY: Joshua Schoemann, Village Administrator

POLICY QUESTION

SHOULD THE VILLAGE BOARD AUTHORIZE THE VILLAGE ADMINISTRATOR TO EXECUTE A CONTRACT WITH WESTERN BUILDERS FOR THE CONSTRUCTION OF A BOAT LAUNCH AT BARK LAKE?

ISSUE SUMMARY

At the October 17, 2013 meeting of the Village Board, the Board authorized the conditional approval of the lowest responsive bid for the construction of Bark Lake Boat Launch. Below is the motion from October 17.

Motion to approve the lowest and most responsive bid of Western Contractors Inc. at a not to exceed cost of \$196,049.25 for the construction of the Bark Lake Boat Launch with the following condition of approval.

1. All expenses will be funded by the two grant programs.
2. Staff will receive satisfactory written confirmation that such grants will cover any expected overages prior to executing a contract for this project.

Following this authorization from the Board, Staff commenced communications with WIDNR per the conditions of approval. After various communications back and forth, WIDNR submitted the attached proposal for Staff consideration. Upon careful consideration, Staff determined it appropriate, given the significance of the proposed changes in the scope of the project, to return the matter to the Board for your consideration.

In considering this matter, please note that the contractor has agreed to a 30 day extension for consideration of the contract, as well as eliminating the suggested items that total \$60,070.00. Furthermore, WIDNR has indicated that their intention would be to resubmit for additional funds to cover some of the \$60,070.00 costs in the near future. Their desire is simply to keep the project moving forward at this point.

Finally, in terms of the bottom line, after discussing the matter with the Village Engineer, it is Staff's estimation that if it pleases the Board to remove the \$60,700 in improvements, that the remaining grant funds would likely cover 100% of the project, short of some unforeseen expense.

To assist in this decision making process, Village Engineer Ron Dalton, and WIDNR Public Access Coordinator Kathy Wolski will be in attendance at tonight's meeting.

FISCAL IMPACT:

Initial Project Costs: \$200,000
 Future Ongoing Costs: Maintenance
 Physical Impact (on people/space): None
 Residual or Support/Overhead/Fringe Costs: None

REVIEWED BY: _____

[Signature]
 Village Deputy Treasurer

ATTACHMENTS:

1. October 23 E-mail from WIDNR
2. June 21, 2012 Packet Materials

STAFF RECOMMENDATION:

None.



VILLAGE OF RICHFIELD

COMMUNICATION FORM

MEETING DATE: November 7, 2013

SUBJECT: Bark Lake Boat Launch

DATE SUBMITTED: October 31, 2013

SUBMITTED BY: Joshua Schoemann, Village Administrator

APPROVED FOR SUBMITTAL BY:

Village Staff Member

Village Administrator

CLERK' S USE ONLY
BOARD ACTION TAKEN

Resolution No. _____

Ordinance No. _____

Approved _____

Other _____

Continued To: _____

Referred To: _____

Denied _____

File No. _____

From: Wolski, Kathleen M - DNR <Kathleen.Wolski@wisconsin.gov>
Sent: Wednesday, October 23, 2013 2:55 PM
To: Joshua Schoemann
Cc: Ronald Dalton (r.dalton@gaiconsultants.com); Ritchie, Jim M - DNR
Subject: FW: Bark Lake Boat Launch

Josh,

It was good to talk with you about these changes. Please let us know the direction from the Village Board when you meet with them on Nov. 7.

Kathleen

From: Wolski, Kathleen M - DNR
Sent: Wednesday, October 23, 2013 1:37 PM
To: 'Ronald Dalton'; Ritchie, Jim M - DNR
Subject: RE: Bark Lake Boat Launch

Thanks, Ron.

In addition to the items we discussed this morning we would also like to consider eliminating the Municipal/boarding pier. The Department is looking into providing a portable boarding dock, saving the Village this cost.

To recap items for possible elimination at this time:

Paving	\$29,080
Light & elect	5,000
Pad & fence	2,700
Pier	24,000
Total:	\$60,070

Let us know if your calculations match these.

I have a call into Josh to discuss whether the Village would agree to going forward with the project with these changes, and applying for additional grants in the near future to add the items eliminated.

Kathleen Wolski

Public Access Coordinator, DNR Southeast Region
2300 N. M.L. King Dr., Milwaukee WI 53212
414-263-8670 kathleen.wolski@wi.gov

We are committed to service excellence.

Visit our survey at <http://dnr.wi.gov/u/?q=85> to evaluate how I did.

From: Ronald Dalton [<mailto:r.dalton@gaiconsultants.com>]
Sent: Wednesday, October 23, 2013 1:16 PM
To: Wolski, Kathleen M - DNR; Ritchie, Jim M - DNR
Subject: Bark Lake Boat Launch



VILLAGE OF RICHFIELD COMMUNICATION FORM

7e

MEETING DATE: October 17, 2013

SUBJECT: Bark Lake Boat Launch

DATE SUBMITTED: October 10, 2013

SUBMITTED BY: Joshua Schoemann, Village Administrator

POLICY QUESTION

SHOULD THE VILLAGE BOARD AUTHORIZE THE VILLAGE ADMINISTRATOR TO EXECUTE A CONTRACT WITH WESTERN BUILDERS FOR THE CONSTRUCTION OF A BOAT LAUNCH AT BARK LAKE?

ISSUE SUMMARY

Previous Approvals

At the June 21, 2012 meeting of the Village Board, and previously at the July 21, 2011 meeting of the Village Board, the Board executed both resolutions and lease agreements affirming the Village's commitment to taking the lead on the construction and 20 year maintenance of a boat launch on Bark Lake.

History

This project is a partnership between the Village of Richfield and the Wisconsin Department of Natural Resources (WIDNR). The Village entered into a 20-year lease with WIDNR to develop, operate and maintain the boat launch on July 21, 2011. The 2.1 acre parcel, with 125 feet of frontage, was purchased by WIDNR from William and Kathy Schneider. It was accepted by the Natural Resources Board at their October 2005 meeting, making this a 9 year process, if completed in June of 2014.

The boat launch site is located on East Shore Drive on the southeast end of Bark Lake. The site is currently undeveloped. The launch will provide motor boat access to Bark Lake. The launch will best accommodate smaller to medium sized motorized boats. The launch will also provide non-motorized boat access to Bark Lake and the Bark River.

Two grants totaling \$200,000.00 have been awarded to the Village to prepare development plans and construct the boat launch: Recreational Boating Facilities grant (state), RBF-1390, \$80,000
Sport Fish Restoration grant (federal), (F95P47 TEDA), \$120,000

It is important to note that at this point Staff believes that the total cost of this project, including engineering and construction, will exceed the originally anticipated \$200,000. Per the terms of the grant financial administration, in the coming weeks Staff will be submitting a change to the project contract to secure the balance of the funding. At this point Staff anticipates that grant adjustment to be around \$70,000. As you can see from the attached project P&L, to date the Village has received \$40,000 in grant funds for this project, leaving \$160,000 in previously approved funds available to fund the \$196,050 construction cost, plus an estimated \$12,000 in inspection/engineering costs. Per the below recommendation, Staff will acquire confirmation of increased grant funding prior to execution of any agreement with the contractor.

Development Components

The boat launch will provide three car-trailer parking stalls, plus one disabled accessible car-trailer stall. The boat launch will provide two car-only parking stalls, plus one disabled accessible car-only stall. Site development will include the construction of a concrete launch ramp, parking lot, small boardwalk and boarding pier, two portable toilets (one being handicap accessible), refuse container, landscaping, signs, and lighting. The Village of Richfield Parks Commission will be reviewing signage needs and operational issues. Construction is expected to start in October and be completed by June 2014.

When the boat launch is complete, the minimum public access standard for Bark Lake will be met, and the WIDNR will be able to provide Natural Resources Enhancement services including fish stocking, population surveys, habitat improvement, and eligibility for lake management grant programs.



VILLAGE OF RICHFIELD
COMMUNICATION FORM

7e

MEETING DATE: October 17, 2013

SUBJECT: Bark Lake Boat Launch
DATE SUBMITTED: October 10, 2013
SUBMITTED BY: Joshua Schoemann, Village Administrator

FISCAL IMPACT:

REVIEWED BY: Deanna J. Kaurer

Village Deputy Treasurer

Initial Project Costs: \$200,000
Future Ongoing Costs: Maintenance
Physical Impact (on people/space): None
Residual or Support/Overhead/Fringe Costs: None

ATTACHMENTS:

1. Project P&L: Project to Date
2. Engineering Review Letter
3. Bid Tabulations
4. Grading & Erosion Control Plan
5. June 21, 2012 Minutes
6. June 21, 2012 Packet Materials

STAFF RECOMMENDATION:

Motion to approve the lowest and most responsive bid of Western Contractors Inc. at a not to exceed cost of \$196,049.25 for the construction of the Bark Lake Boat Launch with the following condition of approval.

1. All expenses will be funded by the two grant programs.
2. Staff will receive satisfactory written confirmation that such grants will cover any expected overages prior to executing a contract for this project.

APPROVED FOR SUBMITTAL BY:

[Signature]
Village Staff Member

[Signature]
Village Administrator

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Resolution No. _____
Ordinance No. _____
Approved _____
Other _____

Continued To: _____
Referred To: _____
Denied _____
File No. _____

BARK LAKE BOAT LAUNCH GRANT

Date Expense Incurred	Invoice Number	Proof of Payment #	Payee	Eligible Project Cost Description (Check Grant Agreement)	Amount Paid
7/2/2011	13867	2934	Crispell-Synder	Engineering/Design/Development	\$ 436.68
7/30/2011	13639	3016	Crispell-Synder	Engineering/Design/Development	\$ 480.22
8/27/2011	13765	3084	Crispell-Synder	Engineering/Design/Development	\$ 3,771.72
9/30/2011	13867	3158	Crispell-Synder	Engineering/Design/Development	\$ 5,192.75
10/28/2011	14021	3216	Crispell-Synder	Engineering/Design/Development	\$ 1,046.63
11/25/2011	14154	3305	Crispell-Synder	Engineering/Design/Development	\$ 1,426.00
12/30/2011	14320	3965	Crispell-Synder	Engineering/Design/Development	\$ 9,569.72
1/27/2012	14438	4089	Crispell-Synder	Engineering/Design/Development	\$ 836.50
3/2/2012	14597	4207	Crispell-Synder	Engineering/Design/Development	\$ 9,419.79
3/30/2012	14685	4313	Crispell-Synder	Engineering/Design/Development	\$ 5,810.50
4/27/2012	14779	4377	Crispell-Synder	Engineering/Design/Development	\$ 2,298.00
6/1/2012	14884	4483	Crispell-Synder	Engineering/Design/Development	\$ 5,191.63
6/29/2012	15021	4558	Crispell-Synder	Engineering/Design/Development	\$ 3,434.20
7/27/2012	15111	4625	Crispell-Synder	Engineering/Design/Development	\$ 1,429.00
7/9/2012	29-40		Civi Tek Consulting	Planning/Development	\$ 7.00
8/31/2012	15240	4721	Crispell-Synder	Engineering/Design/Development	\$ 1,017.20
9/28/2012	15316	4814	Crispell-Synder	Engineering/Design/Development	\$ 2,777.50
11/2/2012	15439	4910	Crispell-Synder	Engineering/Design/Development	\$ 637.00
2/1/2013	15734	5853	Crispell-Synder	Engineering/Design/Development	\$ 764.00
6/29/2013	16166	6208	Crispell-Synder	Engineering/Design/Development	\$ 676.75
8/2/2013	2068783	6272	Crispell-Synder	Engineering/Design/Development	\$ 173.04
9/25/2013	2070381		Crispell-Synder	Engineering/Design/Development	\$ 2,253.29
					\$ 58,649.12
9/10/2012	Check # 8699180		State of Wisconsin		\$ 40,000.00

October 3, 2013

Village of Richfield
4128 Hubertus Road
Hubertus, WI 53033

Attention: Mr. Joshua Schoemann
Village Administrator

**Letter of Recommendation
Bark Lake Boat Launch
Project No. R11-0862-100**

Dear Joshua:

In accordance with your Official Notice to Bidders, sealed bids for the above referenced project were received until 2:00 p.m. on September 26, 2013, at the Village Hall and were publicly opened and read aloud. A copy of the bid tabulation is enclosed for your reference.

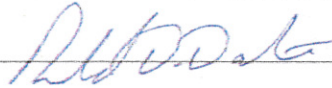
A total of three (4) bids were received for this project. The low bid was submitted by Western Contractors Inc., New Berlin, Wisconsin in the amount of \$196,049.25. The other bids ranged from \$214,393.00 to \$316,777.58.

It is our opinion that Western Contractors Inc., of New Berlin, Wisconsin is qualified to perform this work, based upon their experience with similar types of projects. We therefore, recommend that the contract be awarded to Western Contractors for the bid amount of \$196,049.25.

Following the formal award by the Village Board, our office will prepare the necessary documents for execution by the Village of Richfield and the Contractor.

Sincerely,

CRISPELL-SNYDER, INC. | A GAI Company



Ronald D. Dalton, P.E.
Senior Engineering Manager

Enclosures: As noted



Bid Tabulation

Project Name: Bark Lake Boat Launch
 Owner: Village of Richfield
 Washington County, Wisconsin

Bid Date: September 26, 2013
 Time: 2:00 PM
 Project No. R11-0862-100

CONTRACTOR				Western Contractors, Inc. 18025 W. Lincoln Avenue New Berlin, WI 53146		Janke General Contractors, Inc. 1223 River View Lane Athens, WI 54411		H&H Civil Construction LLC 21110 Main Street Collins, WI 54207		Solutions 101 LLC 4928 N. Wren Drive Appleton, WI 54915			
BID SECURITY				5% BB	X	5% BB	X	5% BB	X	5% BB	X	5% BB	
ADDENDUM NO. 1				X		X		Recorded but not signed		X			
No.	Item	Unit	Qty	Price	Total	Price	Total	Price	Total	Price	Total	Price	Total
Section 1 - Site Work													
1	Clearing and Grubbing	STA	4	\$1,500.00	\$6,000.00	\$3,311.00	\$13,244.00	\$3,000.00	\$12,000.00	\$7,281.25	\$29,125.00		
2	Tracking Pad	EA	1	\$1,500.00	\$1,500.00	\$1,035.00	\$1,035.00	\$1,667.00	\$1,667.00	\$1,628.56	\$1,628.56		
3	Silt Fence	LF	1,000	\$2.00	\$2,000.00	\$2.40	\$2,400.00	\$3.00	\$3,000.00	\$2.47	\$2,470.00		
4	Turbidity Barrier	SY	55	\$10.00	\$550.00	\$38.00	\$2,090.00	\$83.00	\$4,565.00	\$92.11	\$5,066.05		
5	Remove Building (9' x 13')	LS	1	\$700.00	\$700.00	\$1,000.00	\$1,000.00	\$1,550.00	\$1,550.00	\$543.23	\$543.23		
6	Remove Small Culvert 36"	EA	1	\$300.00	\$300.00	\$245.00	\$245.00	\$425.00	\$425.00	\$659.93	\$659.93		
7	PVC Culvert Pipe, 6"	LF	76	\$15.00	\$1,140.00	\$23.00	\$1,748.00	\$22.00	\$1,672.00	\$62.32	\$4,736.32		
8	HE-CMP, 21" x 15" (incl. concrete cap)	LF	26	\$135.00	\$3,510.00	\$45.00	\$1,170.00	\$91.00	\$2,366.00	\$181.38	\$4,715.88		
9	Flared End Section for HE-CMP, 21" x 15"	EA	2	\$200.00	\$400.00	\$345.00	\$690.00	\$168.00	\$336.00	\$277.35	\$554.70		
10	Common Excavation	LS	1	\$10,000.00	\$10,000.00	\$6,300.00	\$6,300.00	\$31,608.00	\$31,608.00	\$31,099.50	\$31,099.50		
11	Dense Aggregate Base 1-1/4"	TON	770	\$12.00	\$9,240.00	\$13.60	\$10,472.00	\$13.00	\$10,010.00	\$13.57	\$10,448.90		
12	Excavation Below Subgrade (EBS) (est. qty.)	CY	460	\$16.00	\$7,360.00	\$17.50	\$8,050.00	\$13.00	\$5,980.00	\$21.15	\$9,729.00		
13	Granular Backfill for EBS	TON	920	\$11.00	\$10,120.00	\$16.25	\$14,950.00	\$11.50	\$10,580.00	\$10.66	\$9,807.20		
14	Soil Stabilization Fabric (est. qty.)	SY	600	\$2.50	\$1,500.00	\$2.00	\$1,200.00	\$2.00	\$1,200.00	\$2.96	\$1,776.00		
15	Saw Cutting Asphalt	LF	55	\$5.00	\$275.00	\$8.00	\$440.00	\$4.50	\$247.50	\$2.88	\$158.40		
16	Asphaltic Concrete Pavement, Type E-0.3	TON	370	\$71.00	\$26,270.00	\$71.00	\$26,270.00	\$75.00	\$27,750.00	\$81.65	\$30,210.50		
17	Concrete Pad, 6"	SY	15	\$72.00	\$1,080.00	\$148.00	\$2,220.00	\$123.00	\$1,845.00	\$666.79	\$10,001.85		
18	Steel Bollards	EA	2	\$500.00	\$1,000.00	\$480.00	\$960.00	\$700.00	\$1,400.00	\$661.25	\$1,322.50		
19	Cedar Fence 6'	LF	448	\$45.00	\$20,160.00	\$35.00	\$15,680.00	\$52.25	\$23,408.00	\$55.49	\$24,859.52		
20	Two Light Poles (incl. wiring and appurtenances)	LS	1	\$5,000.00	\$5,000.00	\$21,630.00	\$21,630.00	\$6,975.00	\$6,975.00	\$29,638.03	\$29,638.03		
21	Concrete Wheel Stops	EA	7	\$90.00	\$630.00	\$85.00	\$595.00	\$94.00	\$658.00	\$97.75	\$684.25		
22	Lawn Restoration	LS	1	\$3,600.00	\$3,600.00	\$6,500.00	\$6,500.00	\$5,879.00	\$5,879.00	\$5,373.69	\$5,373.69		
23	Signs, Type II, Reflective	SF	10.25	\$65.00	\$666.25	\$32.00	\$328.00	\$69.17	\$708.99	\$72.45	\$742.61		
24	Wood Sign Posts 4" x 4" x 12'	EA	3	\$60.00	\$180.00	\$97.00	\$291.00	\$57.00	\$171.00	\$59.80	\$179.40		
25	Pavement Marking, Epoxy 4"	LF	460	\$4.00	\$1,840.00	\$7.00	\$3,220.00	\$11.00	\$5,060.00	\$7.94	\$3,652.40		
26	Pavement Marking, Stop Line, Epoxy, 18"	LF	16	\$60.00	\$960.00	\$10.00	\$160.00	\$22.00	\$352.00	\$11.50	\$184.00		
27	Pavement Marking, Symbol, Epoxy	EA	2	\$5.00	\$10.00	\$80.00	\$160.00	\$220.00	\$440.00	\$92.00	\$184.00		



Bid Tabulation

Project Name: Bark Lake Boat Launch
 Owner: Village of Richfield
Washington County, Wisconsin

Bid Date: September 26, 2013
 Time: 2:00 PM
 Project No. R11-0862-100

CONTRACTOR				Western Contractors, Inc. 18025 W. Lincoln Avenue New Berlin, WI 53146		Janke General Contractors, Inc. 1223 River View Lane Athens, WI 54411		H&H Civil Construction LLC 21110 Main Street Collins, WI 54207		Solutions 101 LLC 4928 N. Wren Drive Appleton, WI 54915			
BID SECURITY				5% BB	X	5% BB	X	5% BB	X	5% BB	X	5% BB	
ADDENDUM NO. 1				X		X		Recorded but not signed		X			
No.	Item	Unit	Qty	Price	Total	Price	Total	Price	Total	Price	Total	Price	Total
28	Landscape Plantings (adjacent lands) 12 shrubs (at most) and native seed, and nurse crop	LS	1	\$2,400.00	\$2,400.00	\$6,500.00	\$6,500.00	\$2,090.00	\$2,090.00	\$811.50	\$811.50		
Subtotal - Section 1, Items 1 thru 28, Inclusive...				Subtotal	\$118,391.25	Subtotal	\$149,548.00	Subtotal	\$163,943.49	Subtotal	\$220,362.92	Subtotal	
Section 2 - Ramp													
29	Common Excavation	LS	1	\$20,000.00	\$20,000.00	\$4,700.00	\$4,700.00	\$5,885.00	\$5,885.00	\$5,630.80	\$5,630.80		
30	Heavy Geotextile Fabric, Type HR	SY	150	\$5.00	\$750.00	\$3.00	\$450.00	\$22.00	\$3,300.00	\$5.72	\$858.00		
31	2" Thick Open Graded Base Course (1-1/4" Clean Stone)	TON	9	\$40.00	\$360.00	\$85.00	\$765.00	\$117.00	\$1,053.00	\$34.02	\$306.18		
32	6" Thick Open Graded Base Course (3" Clean Stone)	TON	26	\$36.00	\$936.00	\$30.00	\$780.00	\$117.00	\$3,042.00	\$33.68	\$875.68		
33	10" Concrete Slab, 12" x 18" keyway	SY	13.3	\$140.00	\$1,862.00	\$200.00	\$2,660.00	\$175.00	\$2,327.50	\$332.96	\$4,428.37		
34	Precast Boat Launch Panels	EA	4	\$3,000.00	\$12,000.00	\$5,000.00	\$20,000.00	\$3,510.00	\$14,040.00	\$2,261.25	\$9,045.00		
35	Medium Field Stone Riprap	CY	85	\$200.00	\$17,000.00	\$90.00	\$7,650.00	\$145.00	\$12,325.00	\$129.52	\$11,009.20		
36	Install Monument sign provided by Owner	EA	1	\$750.00	\$750.00	\$485.00	\$485.00	\$1,050.00	\$1,050.00	\$1,068.93	\$1,068.93		
Subtotal - Section 2, Items 19 thru 36, Inclusive...				Subtotal	\$53,658.00	Subtotal	\$37,490.00	Subtotal	\$43,022.50	Subtotal	\$33,222.16	Subtotal	
Section 3 - Pier													
37	Municipal Pier with a helical pile support system	LS	1	\$24,000.00	\$24,000.00	\$27,355.00	\$27,355.00	\$37,034.00	\$37,034.00	\$63,192.50	\$63,192.50		
Subtotal - Section 3, Item 37, Inclusive...				Subtotal	\$24,000.00	Subtotal	\$27,355.00	Subtotal	\$37,034.00	Subtotal	\$63,192.50	Subtotal	
TOTAL - (BASE BID) - SECTIONS 1 thru 3; ITEMS 1 thru 37, INCLUSIVE...				Total	\$196,049.25	Total	\$214,393.00	Total	\$243,999.99	Total	\$316,777.58	Total	#REF!
Alternate Bid Section													



Bid Tabulation

Project Name: Bark Lake Boat Launch
 Owner: Village of Richfield
Washington County, Wisconsin

Bid Date: September 26, 2013
 Time: 2:00 PM
 Project No. R11-0862-100

CONTRACTOR				Western Contractors, Inc. 18025 W. Lincoln Avenue New Berlin, WI 53146		Janke General Contractors, Inc. 1223 River View Lane Athens, WI 54411		H&H Civil Construction LLC 21110 Main Street Collins, WI 54207		Solutions 101 LLC 4928 N. Wren Drive Appleton, WI 54915			
BID SECURITY				5% BB X		5% BB X		5% BB X		5% BB X		5% BB	
ADDENDUM NO. 1				X		X		Recorded but not signed		X			
No.	Item	Unit	Qty	Price	Total	Price	Total	Price	Total	Price	Total	Price	Total
37A	Municipal Pier with a "driven deep wood foundation"	LS	1	\$24,000.00	\$24,000.00	\$33,000.00	\$33,000.00	\$40,994.00	\$40,994.00	\$63,192.50	\$63,192.50		
Subtotal - Alternate Bid, Item 37A, Inclusive...				Subtotal \$24,000.00		Subtotal \$33,000.00		Subtotal \$40,994.00		Subtotal \$63,192.50		Subtotal	
TOTAL - (BASE BID) - SECTIONS 1 thru 2; ITEMS 1 thru 36, and ALT. BID ITEM 37A, INCLUSIVE...				*Total \$196,049.25		Total \$220,038.00		Total \$247,959.99		Total \$316,777.58		Total	

*Note: Item in Red is Adjusted
 quantity from Addendum
 *Corrected Amount



Bid Tabulation - Schedule of Supplemental Unit Prices

Project Name: Bark Lake Boat Launch
 Owner: Village of Richfield
Washington County, Wisconsin

Bid Date: September 26, 2013
 Time: 2:00 PM
 Project No. R11-0862-100

CONTRACTOR			Western Contractors, Inc. 18025 W. Lincoln Avenue New Berlin, WI 53146	Janke General Contractors, Inc. 1223 River View Lane Athens, WI 54411	H&H Civil Construction LLC 21110 Main Street Collins, WI 54207	Solutions 101 LLC 4928 N. Wren Drive Appleton, WI 54915	
No.	Item	Unit	Price	Price	Price	Price	Price
Utility Construction - General:							
1	Close sheathing and bracing, ordered left in place.	1,000 BF	\$2,500.00	\$5.80	\$17,000.00	\$115.00	
2	Spot sheathing and bracing, ordered left in place.	1,000 BF	\$3,000.00	\$8.10	\$17,000.00	\$92.00	
3	No. 3 crushed stone, 2 inch size, for unstable trench bottom, including excavation of unsuitable material.	CY	\$40.00	\$35.00	\$31.00	\$97.75	
4	Erosion Bales	EA	\$10.00	\$20.00	\$20.00	\$28.75	
5	Channel Erosion Mat	SY	\$10.00	\$5.00	\$6.00	\$4.54	
6	Slope Erosion Mat	SY	\$5.00	\$4.00	\$5.00	\$4.03	



- k. Discussion/Action regarding Resolution R2012-06-12 a resolution requesting assistance from the Wisconsin Waterways Commission for the purpose of developing recreational boating facilities on Bark Lake.**

Motion by Trustee Voss to approve Resolution R2012-06-12 a resolution requesting assistance from the Wisconsin Waterways Commission for the purpose of developing recreational boating facilities on Bark Lake, seconded by Trustee Brandner. Motion carried unanimously.

- l. Discussion/Action regarding potential purchase of Wheel Loader to replace Case 621B**

Motion by Trustee Collins to authorize the Village Administrator to purchase one 2012 CAT 924H HL for the delivered price of \$100,000.00, seconded by Trustee Neu. Motion carried unanimously.

- m. Discussion/Action regarding potential purchase of plow and attachments for International patrol (snow plow) truck to replace Truck #19**

Motion by Trustee Neu to accept the proposal from Burke Truck & Equipment for the new truck body, salter, front plow and wing at a price not to exceed \$65,798, seconded by Trustee Collins. Motion carried unanimously.

- n. Discussion/Action regarding proposals for Village campus phone system improvements**

Motion by Trustee Voss to authorize the Village Administrator to accept the proposal of Professional Communication Systems for a Mitel phone system, seconded by Trustee Neu. Motion carried unanimously.

- o. Discussion/Action regarding lease and possible sale of lake patrol boat to Washington County Sheriff's Department**

Motion by Trustee Neu to authorize the Village Administrator to execute a Patrol Boat Agreement with Washington County, seconded by Brandner. Motion carried unanimously.

- p. Discussion and possible action regarding a petition to partially rezone a property located at 2323 Scenic Road (Tax Key: V10-0048) from LC to Rs-1b and LC, Keith Campbell, applicant (application 2012-6-2)**

Motion by Trustee Brandner to approve the rezoning of the property located at 2323 Scenic Road (V10-0048) from LC, Lowland Conservancy to Rs-1b, Single Family Cluster/Open Space Residential District and LC, Lowland Conservancy, seconded by Trustee Collins. Motion carried unanimously.

- q. Discussion and possible action regarding a proposed Certified Survey Map and deed restrictions for the property located at 2323 Scenic Road (Tax Key: V10-0048)**

Motion by Trustee Neu to approve the preliminary CSM and the declaration of restrictions as generally drafted subject to the following general and specific conditions of approval:



VILLAGE OF RICHFIELD
VILLAGE BOARD COMMUNICATION FORM

MEETING DATE: June 21, 2012

SUBJECT: Bark Lake Boat Launch Resolution
DATE SUBMITTED: June 08, 2012
SUBMITTED BY: Joshua Schoemann, Village Administrator

POLICY DECISION:

Should the Village Board request assistance from the Wisconsin Waterways Commission for funding of the Bark Lake Boat Launch project?

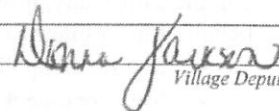
ISSUE SUMMARY:

At the July 21, 2011 meeting of the Village Board, the Board entered into a lease agreement with the WIDNR to construct and maintain a boat launch on Bark Lake on the property owned by the WIDNR. As part of that approval the Board conditioned the receiving of grant funding to develop the site. In an effort to procure those funds in accordance with this condition, at this time the Village Board should approve the attached resolution requesting the funding assistance from the Wisconsin Waterways Commission.

As an important aside, this project has seen a number of significant delays over the years. Most recently in the past few months we have run into some unforeseen engineering obstacles. However, after a bit of diligence and teamwork on the part of WIDNR and the Village we were able to overcome these obstacles. As such, at this time it appears that if the funding is lined up in time we may be able to begin construction as soon as the fall of 2012, but no later than the spring of 2013.

FISCAL IMPACT:

REVIEWED BY:


Village Deputy Treasurer

Initial Project Costs: ~ \$180,000
Future Ongoing Costs: Maintenance related costs.
Physical Impact (on people/space): Public access to Bark Lake.
Residual or Support/Overhead/Fringe Costs: None

ATTACHMENTS:

1. Resolution R2012-06-12
2. July 21, 2012 packet materials
3. July 21, 2011 minutes

STAFF RECOMMENDATION:

Motion to approve resolution R2012-06-12, a resolution requesting assistance from the Wisconsin Waterways Commission for the purpose of developing recreational boating facilities on Bark Lake.

APPROVED FOR SUBMITTAL BY:


Village Staff Member

Village Administrator

VILLAGE CLERK USE ONLY
BOARD ACTION TAKEN

Resolution No. _____
Ordinance No. _____
Approved _____
Other _____

Continued To: _____
Referred To: _____
Denied _____
File No. _____

RESOLUTION R2012-6-12

A RESOLUTION TO REQUEST FINANCIAL ASSISTANCE FROM THE WISCONSIN
WATERWAYS COMMISSION FOR THE BARK LAKE BOATING FACILITIES

WHEREAS, Bark Lake is an important resource used by the public for recreation and enjoyment of natural beauty; and

WHEREAS, a boating facility would allow the residents of the Village of Richfield to better utilize the lake; and

WHEREAS, will lead to better understanding and will promote the comfort, convenience, necessity and public welfare; and

WHEREAS, we recognize the necessity to provide access to the lakes or natural lake ecosystems; and

WHEREAS, we are qualified to carry out the responsibilities associated with a new boating facility; and

WHEREAS, we understand the importance of the continued oversight of the Village of Richfield's waterway systems'.

NOW, THEREFORE, BE IT RESOLVED, that the Village of Richfield has budgeted a sum sufficient to complete the study, project, or acquisition and hereby authorizes the Village Administrator to act on behalf of the Village of Richfield to:

- Submit an application to the Wisconsin Waterways Commission for financial assistance;
- Sign documents; and
- Take necessary action to undertake, direct, and complete the approved project.

BE IT FURTHER RESOLVED, THAT the Village of Richfield will comply with state and federal rules for the programs; may perform force account work; will maintain the completed project in an attractive, inviting and safe manner; will keep the facilities open to the general public during reasonable hours consistent with the type of facility; and will obtain approval in writing from the Wisconsin Waterways Commission before any change is made in the use of the project site (if applicable).

PASSED THIS 21ST DAY OF JUNE, 2012 BY THE VILLAGE BOARD OF THE VILLAGE OF RICHFIELD, WASHINGTON COUNTY, WISCONSIN.

John Jeffords, Village President

Rock Brandner, Village Trustee

Daniel Neu, Village Trustee

Sandy Voss, Village Trustee

Bill Collins Village Trustee

Attest: Joshua Schoemann, Administrator/Clerk



VILLAGE OF RICHFIELD
VILLAGE BOARD COMMUNICATION FORM

MEETING DATE: July 21, 2011

SUBJECT: Bark Lake Boat Launch

DATE SUBMITTED: July 14, 2011

SUBMITTED BY: Joshua Schoemann, Village Administrator

ISSUE SUMMARY:

The Department of Natural Resources and the village have been discussing the future of the DNR access on Bark Lake. The department would like to partner with the village to develop the boat launch area. The idea is to enter into an agreement where the village and DNR develop the boat launch area. This agreement would be a lease agreement whereby the DNR still owns the land, but the village manages and maintains the site. The village could charge a nominal fee for launching to offset its annual operating costs.

In 2004 the village entered similar discussion regarding the installation of a boat launch on Little Friess Lake. As you are all aware this process took several years and culminated in 2009 with the construction of the existing boat launch. The proposal for Bark Lake would be very similar in nature to what was finalized with Little Friess. Although there will be design and construction differences, the administrative process will be much the same, including the funding of the project from construction through operation.

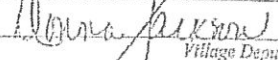
The DNR has completed the preliminary design engineering for the improvements, the village would need to pick up from where the DNR left off and complete the detailed specifications, the bidding process and the construction management. There is an estimated \$160,000 in construction improvements, with an additional \$15,000 – 20,000 in engineering costs, which would need to be made at the boat launch area. The village is eligible for grants that would cover 100 percent of the renovations in the form of a reimbursement. It is important to note this process because the village would be required to front the \$160,000+ and would attempt to be reimbursed through these grants.

The biggest users of the boat launch would be motorized crafts. However, any watercraft would be allowed to launch at the site. The launch area is proposed to have 5 car trailer stalls for parking. There may also be a few car only spots. There will also be one spot marked for handicapped parking.

The Bark Lake Association has been notified of this potential project and has been included throughout the DNR's process. The BLA has formed a committee to deal with some of their concerns and those concerns have been articulated in the attached e-mail from Richard Becker.

At this time the Board should make a decision regarding whether or not the village ought to engage in the attached lease agreement. The grants would be considered in the late fall or early winter. Any construction would begin in Spring 2012. The village would look at revenues and expenditures for the project as part of the 2011 and 2012 budget.

FISCAL IMPACT:

REVIEWED BY: 
Village Deputy Treasurer

Initial Project Costs: ~\$180,000

Future Ongoing Costs: Maintenance related costs.

Physical Impact (on people/space): Public access to Bark Lake.

Residual or Support/Overhead/Fringe Costs: None



VILLAGE OF RICHFIELD
VILLAGE BOARD COMMUNICATION FORM

MEETING DATE: July 21, 2011

SUBJECT: Bark Lake Boat Launch
DATE SUBMITTED: July 14, 2011
SUBMITTED BY: Joshua Schoemann, Village Administrator

ATTACHMENTS:


1. WIDNR Maps and Correspondence regarding site
2. E-mail from Richard Becker
3. 2005 Little Friess Lake Lease
4. WIDNR Form Lease Agreement


STAFF RECOMMENDATION:

Motion to authorize the Village Administrator to execute a Lease Agreement with the WIDNR to construct and maintain a boat launch on Bark Lake on the property owned by the Wisconsin DNR with the following conditions of approval:

1. The lease is contingent upon the Village of Richfield receiving grant funding to develop the site.
2. The Village of Richfield will provide portable restroom facilities and lighting in compliance with Village Ordinances at the site.
3. The amount of parking at the site will be mutually agreed upon prior to construction.

APPROVED FOR SUBMITTAL BY:


Village Staff Member


Village Administrator

VILLAGE CLERK USE ONLY
BOARD ACTION TAKEN

Resolution No. _____
Ordinance No. _____
Approved _____
Other _____

Continued To: _____
Referred To: _____
Denied _____
File No. _____



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor
Scott Hasselt, Secretary
Gloria L. McCutcheon, Regional Director

Southeast Region Headquarters
2300 N. Dr. Martin Luther King, Jr. Drive
Milwaukee, Wisconsin 53212-0436
Telephone 414-263-8500
FAX 414-263-8661
TTY 414-263-8713

File Ref: 3700

BARK LAKE Public Access Site

BACKGROUND

Bark Lake is a 62-acre lake located in Washington County. The lake has not had an adequate public access site. Local fisheries staff and conservation wardens are often contacted about public access to Bark Lake. Due to the number of requests for access to the lake, the Southeast Region Access Team designated Bark Lake a priority body of water for public access.

The Department of Natural Resources (Department) purchased the Schneider property for the purpose of developing a public access site for Bark Lake. The Natural Resources Board approved the purchase for \$225,000 in October 2005. The property is 2.1 acres and contains 125 feet of frontage on the southeast shore of the lake.

Preliminary development costs are estimated at \$160,000. Development cost estimates include the installation of a new concrete boat ramp, accessible boarding dock, parking area, roadway, accessible fishing pier, landscaping, fencing, and site preparation. The site would also have screened portable restroom facilities, a refuse container, and limited lighting.

PUBLIC ACCESS REQUIREMENTS

In the early 1990s, the Department developed a boating access code (NR 1.91, Wis. Adm. Code). During the rule-making process, the Department solicited comments from local and state lake organizations, conservation organizations, boating safety experts, sport fishing clubs, state legislators, and the general public. A final version of the code was approved by the state legislature and included many of the changes and suggestions that were recommended by various groups and individuals.

Two key points should be made about the boating access code in relation to the proposed development of a public access site on Bark Lake.

- 1) The access code sets the minimum and maximum standards for the type and amount of access that can be developed on a lake. These standards are based on the size of the lake.

What does this mean for Bark Lake? Any access site for Bark Lake must include facilities that allow a person to launch a trailered boat. A maximum of five parking spaces for vehicle-trailer units can be provided for Bark Lake. Additional parking to meet requirements under ADA (Americans with Disabilities Act) must also be provided.

The Department's preliminary design includes parking for five vehicle-trailer units, one vehicle-trailer parking space for persons with disabilities, and additional car-only spaces for the fishing pier. The Department would also include parking for Department-owned maintenance and enforcement vehicles.

- 2) The access code states that natural resource enhancement services cannot be provided for lakes unless minimum access standards are met.

The lack of public access also means that natural resource enhancement services are *not* currently being provided for Bark Lake. Natural resource enhancement services are defined as funding or activities that increase the recreational or environmental values of a waterway, and include such items as fish stocking, fish population management, habitat development, financial assistance for aquatic plant harvesting or lake restoration grants.

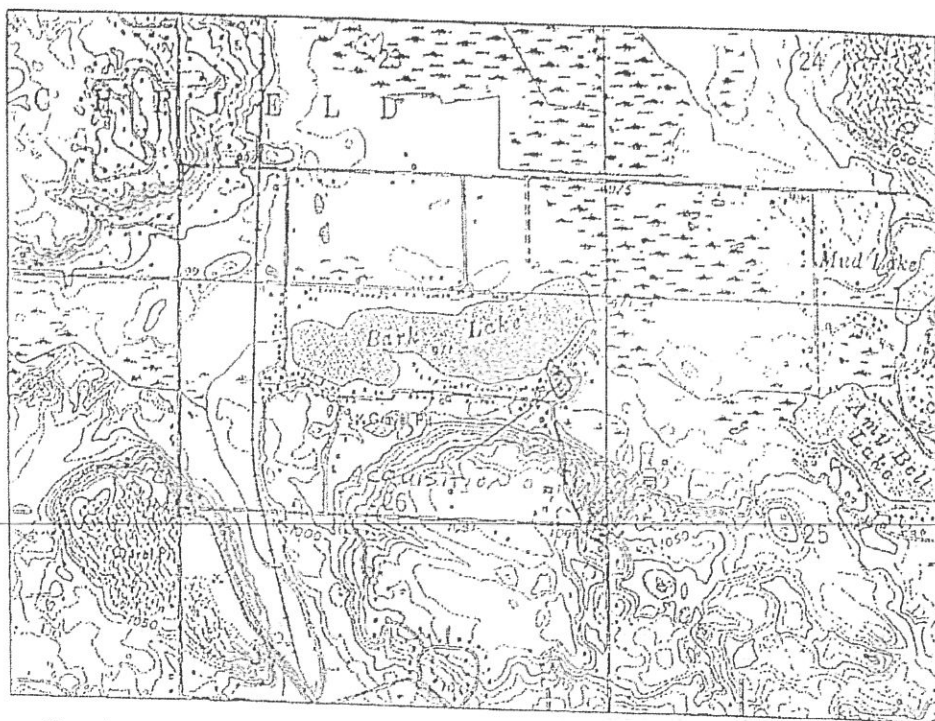
PAYMENT IN LIEU OF TAXES

When the Department of Natural Resources acquires land for public use, the Department makes payments for property taxes at the same level as any other property owner. Land purchased by the Department is removed from the tax roll, but to compensate for the tax base loss, each taxing jurisdiction receives an aid payment equivalent to property taxes.

WHAT'S NEXT

The Department will begin the process to develop the site. The Department may enter into an agreement with the Village of Richfield to develop, and then operate and maintain the site. Once funding is secured, the Department will be in contact with local and county authorities to address final design and permitting issues. The tentative timeframe for development is 2010 - 2011.

SUSSEX
QUAD



WASHINGTON
CO.

0919E.21
NE, NE

SCHNEIDER ACQUISITION ON BARK LAKE, 2.1 ACRES
FUNDS FROM U.S. FISH & WILDLIFE SERVICE
NO KNOWN ARCHAEOLOGICAL SITES
NO STRUCTURES PRESENT

SUBJECT: LAND ACQUISITION - STATEWIDE PUBLIC ACCESS - WASHINGTON COUNTY

FOR: OCTOBER 2005 BOARD MEETING

TO BE PRESENTED BY: Richard Steffes

SUMMARY: The Department has obtained an option to purchase 2.1 acres of land from Kathleen and William Schneider for \$225,000 for the Statewide Public Access in Washington County. The item is being submitted because the purchase price exceeds the appraised value of \$200,000 by \$25,000. This is the best price that could be negotiated.

Bark Lake is located in Washington County, one of the fastest growing counties in the state, and is one of the last remaining lakes over 50 acres in the county without adequate public access. The parcel, which includes 125 feet of frontage along the lake, will be part of the Statewide Public Access program. That program provides public access to the state's surface water resources. Bark Lake is in the southeastern part of the Town of Richfield and only one mile to the west of the Village of Germantown and seven miles west of Milwaukee County. More than 1.5 million people live within 30 miles of the lake. The Department has identified Bark Lake as a priority lake for access development.

The Schneider site is the unimproved portion of a residential ownership. The 2.1 acres to be purchased by the Department is 125 feet wide at the lake, but due to a peninsula, has about 200 feet of lake frontage. With modest slopes, good road access and grass and tree cover, it will work very well for a boat landing. Its relatively large size will help provide buffer space.

RECOMMENDATION: That the Board approve the purchase of 2.1 acres of land for \$225,000 for the Statewide Public Access.

LIST OF ATTACHED MATERIALS:

No ☒ Fiscal Estimate Required
No ☒ Environmental Assessment of Impact Statement Required
No ☐ Background Memo

Yes ☐ Attached
Yes ☐ Attached
Yes ☒ Attached

APPROVED:

Richard E. Steffes
Real Estate Director, Richard E. Steffes - LF/6

Laure Ostzendorf
Administrator, Laurie Ostzendorf - AD/5

Scott Hassett
Secretary, Scott Hassett - AD/5

10/4/05
Date

10/5/05
Date

10/5/05
Date

cc: S. Miller - LF/6
R. Steffes - LF/6
A. Lemberger - AD/5
S. Miller, LF/6
G. McCutcheon, SER

0919E-26 NE, NE

CORRESPONDENCE/MEMORANDUM

State of Wisconsin

DATE: October 4, 2005
TO: Governor Doyle
FROM: *Scott Hassett*
SUBJECT: Proposed Land Acquisition, Kathleen and William Schneider Tract, File # FI-2836,
Option Expires December 21, 2005

FILE REF: FI-2836

1. PARCEL DESCRIPTION:

Statewide Public Access
Washington County

Grantor:

Kathleen and William Schneider
823 East Shore Drive
Hubertus, WI 53033

Acres: 2.1Price: \$225,000Appraised Value: \$200,000Interest: Purchase in fee.Improvements: None

Location: The tract is located in southern Washington County, 2 miles southeast of the community of Hubert.

Land Description: The subject area is level, slightly sloping to lake.

<u>Coverttype Breakdown:</u>	<u>Type</u>	<u>Acresage</u>
	Wooded Lowland	.1
	Wetland	1.0
	Building Site	1.0
	TOTAL	2.1

Zoning: ResidentialPresent Use: Residential - vacant lotProposed Use: Public Access to Bark LakeTenure: 9 years or moreProperty Taxes: \$1,513Option Date: September 22, 20052. JUSTIFICATION:

The Department proposes to purchase a 2.1-acre parcel along the shoreline of Bark Lake from the Schneider's in Washington County to develop and maintain a boat access site on Bark Lake. The parcel that includes about 125 feet of frontage along the lake will be part of the Statewide Public Access program which provides public access to the state's surface water resources. Bark Lake is located in Washington County, one of the fastest growing counties in the state, and is one of the last remaining lakes over 50 acres in the county without adequate public access. Bark Lake is in the southeastern part of the Town of



Richfield and only one mile to the west of the Village of Germantown and seven miles west of Milwaukee County. More than 1.5 million people live within 30 miles of the lake. The Southeast Region has identified Bark Lake as a priority lake for access development.

Bark Lake is a 62 acre mesotrophic lake, with a maximum depth of 34 feet and an average of 14 feet and is listed as a spring lake. Northern, large-mouthed bass and panfish are listed as common and walleyes are present. The eastern shoreline is primarily wetland and provides quality fish and wildlife habitat, while most of the remainder has been developed into small residential lots. This parcel is one of the last potential sites to develop for adequate public access. Development cost is estimated at \$125,000 to \$140,000 and would consist of 5 vehicle-trailer units, a fishing pier, a boat ramp, parking area and fencing.

Washington County residents voiced concerns about lack of access to area lakes during a telephone survey that was conducted on behalf of the County by the University of Wisconsin - Milwaukee during November, 1995. The survey was conducted to find out what recreational activities County residents participate in most often. Results of the survey indicate that fishing was the second highest rated recreational activity by County residents. When asked what would motivate greater park use, the most frequent response by residents included better park facilities and more access to lakes.

Washington County noted countywide support for increased public access to area lakes during two informational meetings. On May 22, 1997, and May 28, 1997, residents voiced their dissatisfaction with the limited public access to lakes located in the County. The Washington County Board of Supervisors adopted the "Park and Open Space Plan for Washington County" in July 1997. The plan states that obtaining public access sites to County lakes is a high priority.

The Schneider site is the unimproved portion of a residential ownership. The 2.1 acres to be purchased by the Department is 125 feet wide at the lake, but due to a peninsula, has about 200 feet of lake frontage. With modest slopes, good road access and grass and tree cover, it will work very well for a boat landing. Its relatively large size will help provide buffer space.

The Department recommends purchase of the property to develop and maintain an access site on the Bark Lake to provide public access which is consistent with the Park and Open Space Plan adopted by Washington County. The site will provide recreational opportunities for residents of Washington County.

3. FINANCING:

State Stewardship bond funds are anticipated:

	Funds allotted to program:	Balance after proposed transaction:
Stewardship Bond	\$3,740,931	\$2,594, 641

4. ACQUISITION STATUS OF THE STATEWIDE PUBLIC ACCESS:

Established: 1969
Acres Purchased to Date: 47.27
Acquisition Goal: 67.7 Acres
Percent Complete: 69.9%
Cost to Date: \$1,657,450

5. APPRAISAL:

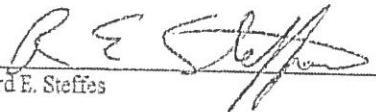
Appraiser: Richard Larkin (Private Appraiser)
Valuation Date: August 5, 2005
Appraised Value: \$200,000
Highest and Best Use: Residential

Allocation of Values:

- a. lake frontage (includes 2.1 acres): 125 feet @ \$1,600 per foot: \$200,000
- b. market data approach used, four comparable sales cited
- c. adjusted value range: \$1,693 to \$5,883 per front foot

Appraisal Review: Paul Scott — August 23, 2005

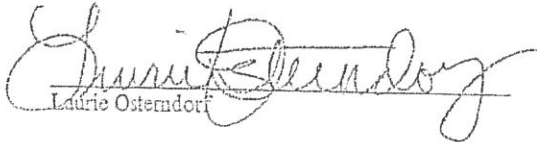
RECOMMENDED:


Richard E. Steffes

10-7-05
Date


Bureau of Legal Services *

10/4/05
Date


Laurie Osterdorf

10/5/05
Date

RESIST

*Option is only signed by one owner.

RICHFIELD

T.9N.-R.19E.








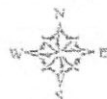
"Reproduced with permission of Rockford
Map Publishers, Inc. Rockford, Illinois"

Schneider Property

Bark Lake
Statewide Public Access

DNR File FI-2836

-  Project Boundary
-  Subject Property
-  WDNR Owned
-  WDNR Easement
-  Open Water



600 340 0 680 Feet

The DNR Managed Lands represent the boundaries of lands managed by the Wisconsin Department of Natural Resources. The Wisconsin DNR manages these lands through ownership, easement or lease rights. This data set is a spatial representation of the Oracle Land Records System maintained by the DNR, Bureau of Facilities and Lands (LF), and may include errors and/or omissions. The data should not be interpreted as a legal representation of legal ownership boundaries.

This data set does not differentiate between lands that are open or closed to the public for hunting and/or general public access. Some lands represented in this data set may not be open to the general public, or may have specific limitations or restrictions on public use. This data set is not intended for use as a land management tool; it is a listing of all DNR real estate transactions that have occurred on these lands over time.

For information about the actual management, including public use and public access of the lands, contact the nearest DNR Regional office. Contact information for DNR Regional Offices and Service Centers is provided on the following Internet site:

<http://www.dnr.state.wi.us/org/land/landuse/servicecenters/locations.htm>

Updates to this data set are ongoing, and will be incorporated into future versions when available.

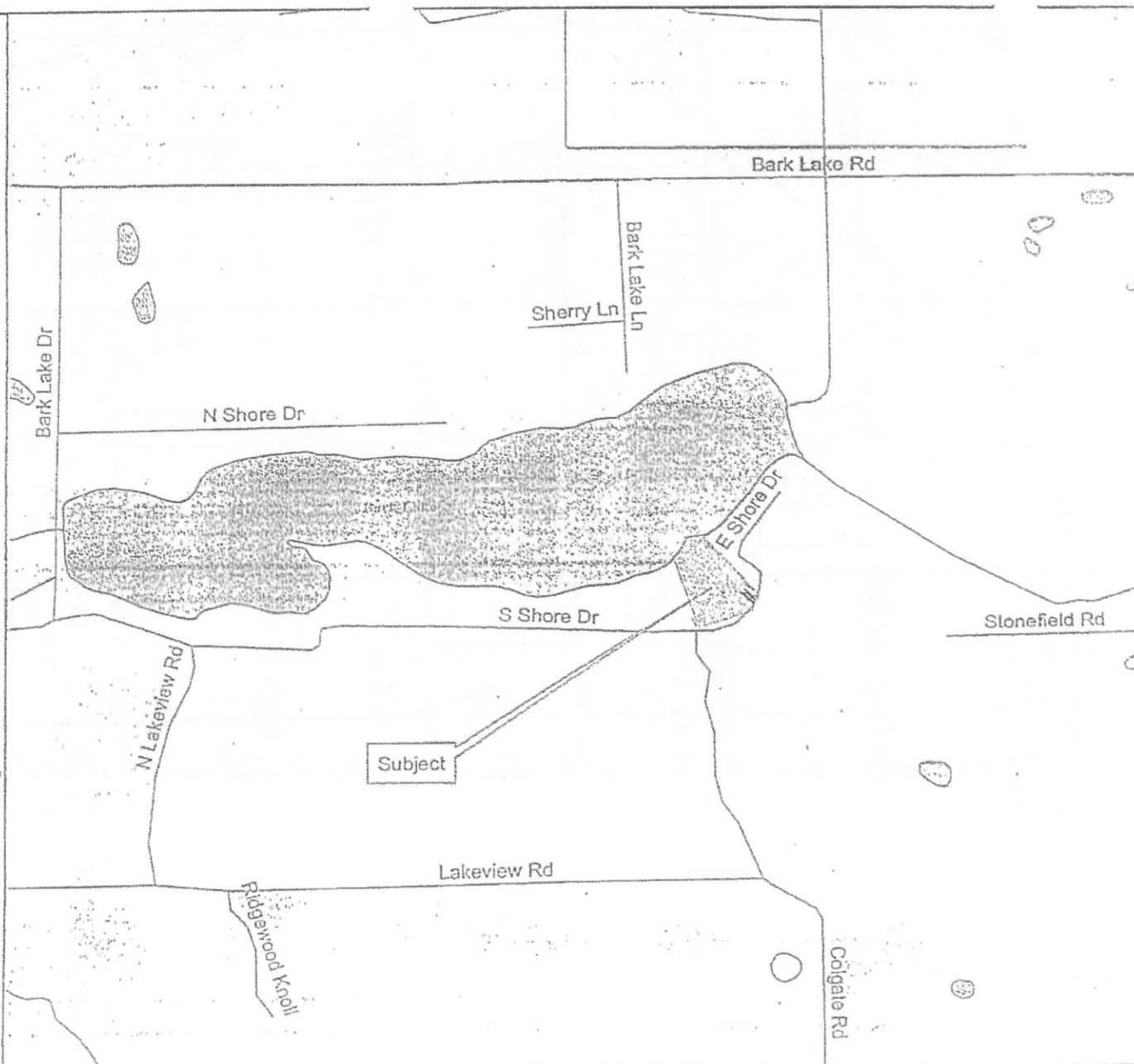
STATE OF WISCONSIN
DEPT. OF NATURAL RESOURCES



261

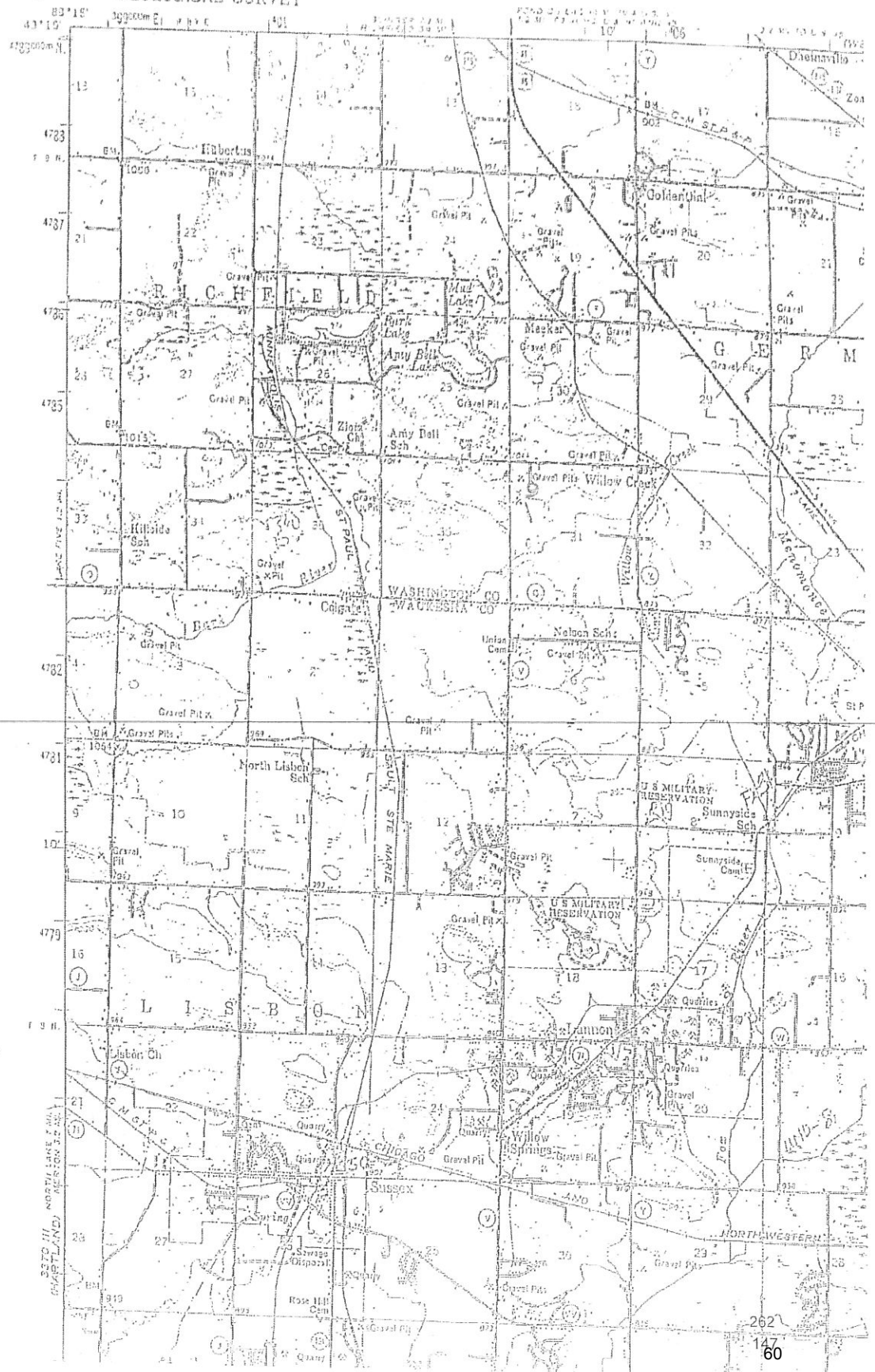
Bureau of Facilities and Lands

Oct 3, 2005



3270 IV
CHAPT. 100

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY



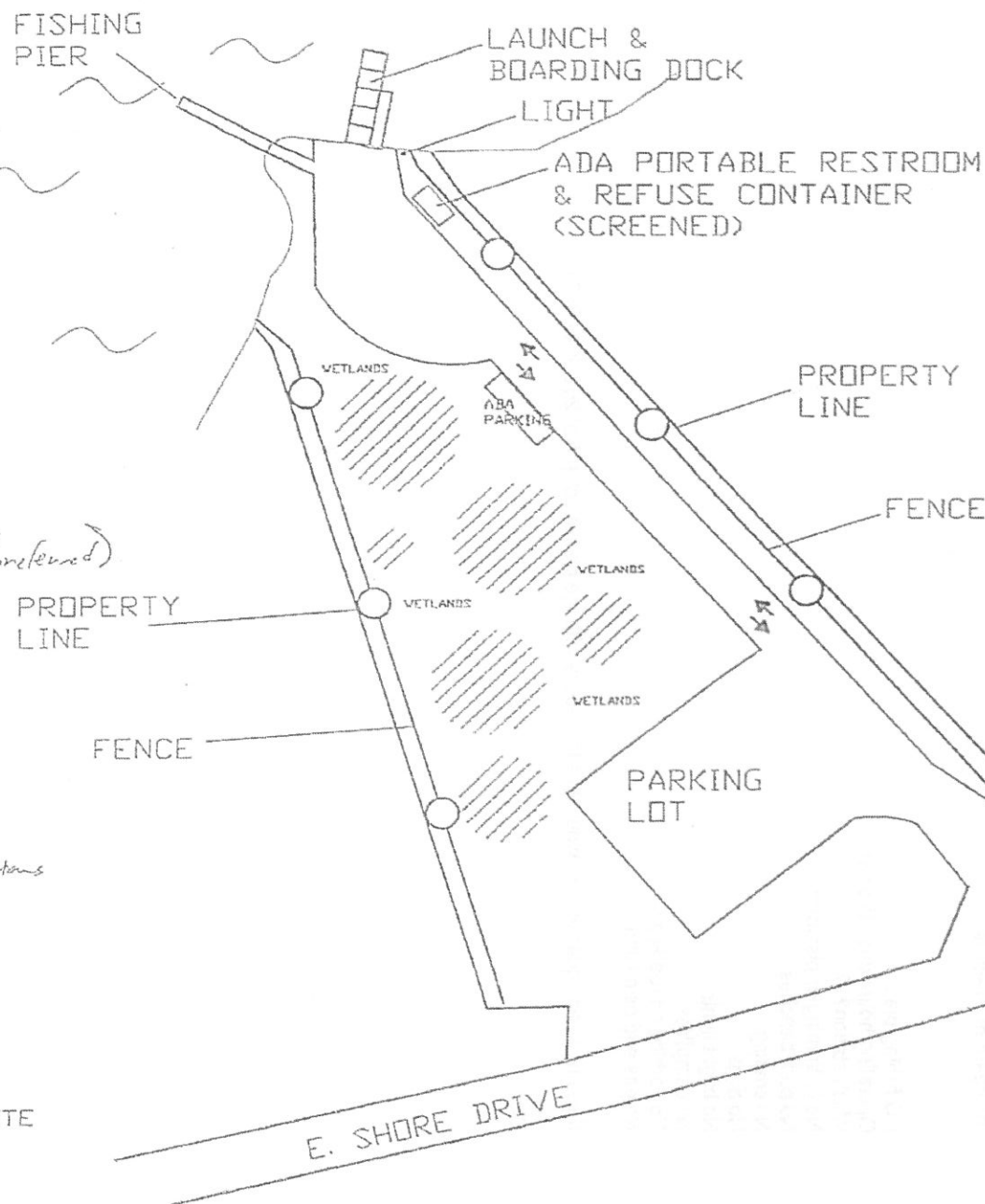
06/20 Vito Marchese

BLA - No Fishing Pier (preferred)

- No Camping
- No Camp Fires
- Lighter use ord.
- No Pets/Dogs
- No Prairie/Gull Accommodations
- CBCW Signage
- No Parking on E Shore Dr.
- Dawn to Dusk use only

BARK LAKE

PROPOSED PUBLIC ACCESS SITE
OCTOBER 18, 2005



Joshua Schoemann

From: Richard Becker [dandmbecker@charter.net]
Sent: Thursday, July 07, 2011 9:07 PM
To: Joshua Schoemann
Cc: V.C. M.
Subject: Boat committee

The landing committee met on the 6th and following is the list of things that we came up with. Many of these were from the board of directors.

NO fishing pier.
Operating hours dusk to dawn
Wash station???
No swimming or picnicing
No park benches
No camping
No dogs
No bright lights
No campfires
No parking on roadways
No gas and oil mixing

If you have any questions or would like to discuss with me please call me at 262 909-0385 cell.

Dick

Document Number		Document Title	
State of Wisconsin Department of Natural Resources PO Box 7921 Madison, Wisconsin 53707-7921		Lease of State-Owned Access Site Form 3700-008 (R 3/00) Page 1 of 4	
Notice			
Completion of this agreement is required under s. 23.09(2)(h), Wis. Stats. Personally identifiable information requested on this form will be used for managing public access sites and is unlikely to be used for other purposes.			
Lessee Information			
Agency or Organization		Recording Area Name and Return Address: WI Dept. of Natural Resources Facilities and Lands PO Box 7921 Madison, Wisconsin 53707-7921	
Town of Richfield			
Authorized Representative Last Name	First MI		
Cotter	Toby		
Position Title		REGISTER OF DEEDS: Please return original order(s) to DNR promptly after recording.	
Town Administrator			
Street Address	City State ZIP Code		
4128 Hubertus Road	Richfield WI 53033		
Access Site Information			
Waterbody Name		Property Name	
Friess & Little Friess lakes		Friess Lake Public Access Site	
Street Address		City	State ZIP Code
Lake Drive		Richfield	WI 53033
County Name		Town Name	
Washington		Richfield	
Park System		Access Site Name	
		Friess & Little Friess lakes	
Lease Terms and Conditions			

THIS LEASE is entered into by and between the Wisconsin Department of Natural Resources, herein after referred to as DNR, and the Lessee named above, herein after referred to as the Lessee; and

WHEREAS, the DNR and the Lessee wish to provide adequate access to the waters above for public use including boating and fishing; and

WHEREAS, it is the policy of the DNR to cooperate with local units of government and private cooperators in providing adequate access to the waters of the State; and

WHEREAS, the land now owned by the DNR provides space for boaters and fishers seeking access to these waters; and

WHEREAS, the Department may enter into this lease pursuant to s 23.09(2), Stats.

NOW THEREFORE, for and in consideration of the covenants set forth below, the DNR leases unto the Lessee the above-described property for the purpose of development and/or maintenance including constructing, operating, maintaining, repairing, removing and replacing with or without state or federal grants in aid a public access to the above waterbody which shall become a part of the Park system named above and shall be known as the Access site named above.

I. PREMISES

The Access is more specifically described in exhibit A, attached hereto and made a part hereof this lease agreement.

II. TERM AND TERMINATION

This lease shall become effective when signed by both parties and recorded and shall remain in effect for a period of 20 years from the date of signing and may be modified or renewed upon written agreement of both parties.

- B. 1. The Lessee may terminate the lease with the DNR by providing ninety (90) days written notice of said termination. In the event the Lessee terminates the lease, the Lessee shall assume compliance responsibility for any other grants accepted by the Lessee for the property and satisfy those responsibilities to the satisfaction of the grantors.
2. The DNR may terminate this lease with the Lessee in the event that:
- a. The Lessee breached any term or condition of the lease and said breach remains uncorrected for a period of sixty (60) days from receipt of the DNR's written notification of said breach by the Lessee. In the event the Lessee breached any term or condition of lease from the DNR the Lessee shall assume compliance responsibility for any state or federal recreation grant fund assisted areas; OR
 - b. The DNR determines that the continued use of the premises as a public access site would be inconsistent with the management needs or objectives of the DNR or the State of Wisconsin. In exercising its termination rights under this provision the DNR shall give the Lessee 180 days notice of termination and reimburse the Lessee for developed improvements on the remaining useful life values of the improvements, subject to the availability of future appropriations.
- C. DNR represents that it has made reasonable inquiry and has no reason to believe that hazardous waste, noxious waste, or any other condition of the land subject to this lease exists that would inhibit the ability of the Lessee to possess and improve the property as contemplated by this lease. If, however, such prohibitive conditions are discovered, either DNR shall take all steps reasonably necessary to remove such conditions or the intent of this lease agreement being frustrated, the lease shall terminate.

III. LESSEE'S USAGE

- A. The Lessee may develop, repair, replace, remove, construct, and maintain an access site for public use including parking and launch facilities for boaters, fishers, hikers, bird watchers, and other users of local public lands. The Lessee may also develop shore fishing, sanitary, and picnic facilities. The Lessee may regulate, in a fashion that is not inconsistent with the Lessor's guidelines, uses of the area including swimming and the discharge of firearms. All activities must be consistent with the purpose for which the land was acquired.
- B. The Lessee may require and impose town or county rules and regulations pertaining to user fee payments for boat launching, shore fishing and vehicles using a described parking area. If fees are charged for boat launching such fees shall not exceed the fee charged for daily entrance into State Parks, unless a higher fee is approved by the DNR according to s. NR 1.91, Wis. Adm. Code.
- C. The Lessee shall comply with applicable state and local floodplain regulations.
- D. The Lessee shall comply with all State of Wisconsin Historical Society guidelines for development of the described area. When federal funds were used to acquire the property, the Lessee must comply with Section 106 of the National Historic Preservation Act, the National Environmental Policy Act, the Endangered Species Act, and other applicable federal legislation.
- E. The Lessee shall maintain the area in a neat, safe, sanitary, and usable condition, and in compliance with the standards in s. NR 1.91(8), Wis. Adm. Code. The area should be operated in a manner to achieve safety, preserve and protect property, public health and welfare.
- F. The Lessee shall post signs or posters at the access site which identify the property for public use and inform the public of the source of funds used for the development and/or maintenance of the area. The Lessee agrees that any advertising or display material relating to the access site shall clearly identify the property as owned by the DNR and under the management and control of the Lessee.

IV. LIMITATIONS ON USAGE

- A. The Lessee shall design and maintain the public access site to provide barrier-free use and boating access for persons with disabilities.
- B. DNR's vehicles shall be exempt from any and all user fees while said vehicles and/or boats and trailers are being used on official business or official discharge of duties.

- C. In the exercise of its rights herein, including but not limited to the operation of the property as a public access site, the Lessee shall not discriminate against any member of the public on the basis of age, race, creed, color, handicap, sex, marital status, arrest or conviction records, ancestry, sexual orientation or membership in the National Guard, state defense force or any other reserve component of the military forces of the United States.
- D. In connection with the performance of work under this lease, the Lessee agrees not to discriminate against any employee or applicant for employment because of age, race, religion, color, handicap, sex, physical condition, developmental disability as defined in s. 51.01(5), Stats., sexual orientation or national origin. This provision shall include, but not be limited to, the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. Except with respect to sexual orientation, the Lessee further agrees to post in a conspicuous places available for employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of the nondiscrimination clause.

V. GENERAL

- A. Neither this lease nor any right or duty of the Lessee herein shall be assigned, transferred, conveyed, delegated, or contracted without prior written permission of the DNR.
- B. The Lessee agrees to save, keep harmless, defend, and indemnify the DNR and all of its officers, employees, and agents against any and all liability, claims, and costs of whatever kind and nature, for injury to or death of any person or persons, and for loss or damage to any property (state or other) occurring in connection with or in any way incident to or arising out of the Lessee's occupancy, use, service, operation, or performance of work in connection with this lease.
- C. The Lessee shall be responsible for obtaining insurance for any and all improvements or structures located on subject property.
- D. The Lessee acknowledges that it is not an employee or agent of the DNR.
- E. The Lessee shall have sole control of the method of work to be performed, hours worked, and the time and manner of any performance under this lease other than specifically provided herein. The DNR assumes no responsibility for supervision or direction of the performance of the lease by the Lessee or the Lessee's employees or agents. The DNR further agrees that it will exercise no control over the selection and dismissal of the Lessee's employees or agents.

VI. OTHER MUTUALLY AGREED UPON CONDITIONS

The lease is contingent upon the Town of Richfield receiving grant funding to develop the site.
The Town of Richfield will provide portable restroom facilities and lighting at the site.
The amount of parking at the site will be mutually agreed upon prior to construction.

Authorized Signatures

IN WITNESS WHEREOF, these individuals as authorized representatives of their respective parties sign and agree to the terms of this lease.

Authorized Representative Name (Print)

Cotter, Toby

Signature

Toby Cotter

Date

2/24/05

STATE OF WISCONSIN

COUNTY OF

Personally came before me this 24 day of February, 2005, the above-named

Toby Cotter

to me known to be the person who executed the foregoing instrument and acknowledged the same.

Patricia J. Spranger

Notary Public State of Wisconsin

My Commission expires / is 08-26-07

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES
For the Secretary:

By: State Real Estate Manager

Last Name

First

MI

Signature

STEFFES RICHARD

E.

Richard E. Steffes

Date

3-2-05

STATE OF WISCONSIN

COUNTY OF DANE

Personally came before me this 24 day of March, 2005, the above-named Real Estate

Manager of the Wisconsin Department of Natural Resources, Richard Steffes

to me known to be the person who executed the foregoing in the capacity therein stated and for the purpose therein contained.

Kevin W. Anderson

Notary Public State of Wisconsin

My Commission expires / is 01/18/2009

Document Number	Document Title
State of Wisconsin Department of Natural Resources PO Box 7921 Madison, Wisconsin 53707-7921	Lease of State-Owned Access Site Form 3700-008 (R 3/00) Page 1 of 4

Notice

Completion of this agreement is required under s. 23.09(2)(h), Wis. Stats.
Personally identifiable information requested on this form will be used for managing public access sites and is unlikely to be used for other purposes.

Lessee Information

Agency or Organization

Authorized Representative Last Name

First

MI

Position Title

Street Address

City

State

ZIP Code

Access Site Information

Waterbody Name

Property Name

Street Address

City

State

ZIP Code

County Name

Town Name

Park System

Access Site Name

Recording Area

Name and Return Address:

WI Dept. of Natural Resources
Facilities and Lands
PO Box 7921
Madison, Wisconsin 53707-7921

REGISTER OF DEEDS:

Please return original order(s) to DNR promptly after recording.

Lease Terms and Conditions

THIS LEASE is entered into by and between the Wisconsin Department of Natural Resources, herein after referred to as DNR, and the Lessee named above, herein after referred to as the Lessee; and

WHEREAS, the DNR and the Lessee wish to provide adequate access to the waters above for public use including boating and fishing; and

WHEREAS, it is the policy of the DNR to cooperate with local units of government and private cooperators in providing adequate access to the waters of the State; and

WHEREAS, the land now owned by the DNR provides space for boaters and fishers seeking access to these waters; and

WHEREAS, the Department may enter into this lease pursuant to s 23.09(2), Stats.

NOW THEREFORE, for and in consideration of the covenants set forth below, the DNR leases unto the Lessee the above-described property for the purpose of development and/or maintenance including constructing, operating, maintaining, repairing, removing and replacing with or without state or federal grants in aid a public access to the above waterbody which shall become a part of the Park system named above and shall be known as the Access site named above.

I. PREMISES

The Access is more specifically described in exhibit A, attached hereto and made a part hereof this lease agreement.

II. TERM AND TERMINATION

This lease shall become effective when signed by both parties and recorded and shall remain in effect for a period of 20 years from the date of signing and may be modified or renewed upon written agreement of both parties.

- B. 1. The Lessee may terminate the lease with the DNR by providing ninety (90) days written notice of said termination. In the event the Lessee terminates the lease, the Lessee shall assume compliance responsibility for any other grants accepted by the Lessee for the property and satisfy those responsibilities to the satisfaction of the grantors.
2. The DNR may terminate this lease with the Lessee in the event that:
- a. The Lessee breached any term or condition of the lease and said breach remains uncorrected for a period of sixty (60) days from receipt of the DNR's written notification of said breach by the Lessee. In the event the Lessee breached any term or condition of lease from the DNR the Lessee shall assume compliance responsibility for any state or federal recreation grant fund assisted areas; OR
 - b. The DNR determines that the continued use of the premises as a public access site would be inconsistent with the management needs or objectives of the DNR or the State of Wisconsin. In exercising its termination rights under this provision the DNR shall give the Lessee 180 days notice of termination and reimburse the Lessee for developed improvements on the remaining useful life values of the improvements, subject to the availability of future appropriations.
- C. DNR represents that it has made reasonable inquiry and has no reason to believe that hazardous waste, noxious waste, or any other condition of the land subject to this lease exists that would inhibit the ability of the Lessee to possess and improve the property as contemplated by this lease. If, however, such prohibitive conditions are discovered, either DNR shall take all steps reasonably necessary to remove such conditions or the intent of this lease agreement being frustrated, the lease shall terminate.

III. LESSEE'S USAGE

- A. The Lessee may develop, repair, replace, remove, construct, and maintain an access site for public use including parking and launch facilities for boaters, fishers, hikers, bird watchers, and other users of local public lands. The Lessee may also develop shore fishing, sanitary, and picnic facilities. The Lessee may regulate, in a fashion that is not inconsistent with the Lessor's guidelines, uses of the area including swimming and the discharge of firearms. All activities must be consistent with the purpose for which the land was acquired.
- B. The Lessee may require and impose town or county rules and regulations pertaining to user fee payments for boat launching, shore fishing and vehicles using a described parking area. If fees are charged for boat launching such fees shall not exceed the fee charged for daily entrance into State Parks, unless a higher fee is approved by the DNR according to s. NR 1.91, Wis. Adm. Code.
- C. The Lessee shall comply with applicable state and local floodplain regulations.
- D. The Lessee shall comply with all State of Wisconsin Historical Society guidelines for development of the described area. When federal funds were used to acquire the property, the Lessee must comply with Section 106 of the National Historic Preservation Act, the National Environmental Policy Act, the Endangered Species Act, and other applicable federal legislation.
- E. The Lessee shall maintain the area in a neat, safe, sanitary, and usable condition, and in compliance with the standards in s. NR 1.91(8), Wis. Adm. Code. The area should be operated in a manner to achieve safety, preserve and protect property, public health and welfare.
- F. The Lessee shall post signs or posters at the access site which identify the property for public use and inform the public of the source of funds used for the development and/or maintenance of the area. The Lessee agrees that any advertising or display material relating to the access site shall clearly identify the property as owned by the DNR and under the management and control of the Lessee.

IV. LIMITATIONS ON USAGE

- A. The Lessee shall design and maintain the public access site to provide barrier-free use and boating access for persons with disabilities.
- B. DNR's vehicles shall be exempt from any and all user fees while said vehicles and/or boats and trailers are being used on official business or official discharge of duties.

Lease of State-Owned Access Site

Form 3700-008 (R 3/00)

Page 3 of 4

- C. In the exercise of its rights herein, including but not limited to the operation of the property as a public access site, the Lessee shall not discriminate against any member of the public on the basis of age, race, creed, color, handicap, sex, marital status, arrest or conviction records, ancestry, sexual orientation or membership in the National Guard, state defense force or any other reserve component of the military forces of the United States.
- D. In connection with the performance of work under this lease, the Lessee agrees not to discriminate against any employee or applicant for employment because of age, race, religion, color, handicap, sex, physical condition, developmental disability as defined in s. 51.01(5), Stats., sexual orientation or national origin. This provision shall include, but not be limited to, the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. Except with respect to sexual orientation, the Lessee further agrees to post in a conspicuous places available for employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of the nondiscrimination clause.

V. GENERAL

- A. Neither this lease nor any right or duty of the Lessee herein shall be assigned, transferred, conveyed, delegated, or contracted without prior written permission of the DNR.
- B. The Lessee agrees to save, keep harmless, defend, and indemnify the DNR and all of its officers, employees, and agents against any and all liability, claims, and costs of whatever kind and nature, for injury to or death of any person or persons, and for loss or damage to any property (state or other) occurring in connection with or in any way incident to or arising out of the Lessee's occupancy, use, service, operation, or performance of work in connection with this lease.
- C. The Lessee shall be responsible for obtaining insurance for any and all improvements or structures located on subject property.
- D. The Lessee acknowledges that it is not an employee or agent of the DNR.
- E. The Lessee shall have sole control of the method of work to be performed, hours worked, and the time and manner of any performance under this lease other than specifically provided herein. The DNR assumes no responsibility for supervision or direction of the performance of the lease by the Lessee or the Lessee's employees or agents. The DNR further agrees that it will exercise no control over the selection and dismissal of the Lessee's employees or agents.

VI. OTHER MUTUALLY AGREED UPON CONDITIONS

Authorized Signatures

IN WITNESS WHEREOF, these individuals as authorized representatives of their respective parties sign and agree to the terms of this lease.

Authorized Representative Name (Print)	Signature	Date

STATE OF WISCONSIN
COUNTY OF

Personally came before me this _____ day of _____, _____, the above-named _____, to me known to be the person who executed the foregoing instrument and acknowledged the same.

Notary Public State of Wisconsin

My Commission expires / is _____

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES
For the Secretary:

By: State Real Estate Manager

Last Name	First	MI	Signature	Date

STATE OF WISCONSIN
COUNTY OF DANE

Personally came before me this _____ day of _____, _____, the above-named Real Estate Manager of the Wisconsin Department of Natural Resources, _____, to me known to be the person who executed the foregoing in the capacity therein stated and for the purpose therein contained.

Notary Public State of Wisconsin

My Commission expires / is _____

6. **CONSENT AGENDA**

- | | |
|---|--|
| a. Vouchers for Payment | c. Village Policy and Procedures |
| b. Treasurer's Report | i. Resolution R2011-5-3:
Public Records Request |
| c. Meeting Minutes: (2) June 2, 9, & 16, 2011 | ii. Resolution R2011-7-1:
Gift and Memorials Policy |
| d. New Operator Licenses | |

Motion by Trustee Shea to approve the Vouchers for Payment, the Treasurer's Report, Meeting Minutes from (2) June 2, 9, & 16, 2011, Resolution R2011-5-3: Public Records Request, and Resolution R2011-7-1: Gift and Memorials Policy, seconded by Trustee Neu. Motion carried unanimously.

The Board discussed the application of Mike Kennard. Trustee Shea pointed out that the information on the application and the background check did not match. Trustee Voss drew attention to the applications of Kelly Hallett and Robert Olson who also had incomplete information on their applications.

Motion by Trustee Shea to approve New Operators Licenses with the exclusion of Mike Kennard, Kelly Hallett, and Robert Olson, seconded by Trustee Voss. Motion carried unanimously.

7. **DISCUSSION/ACTION ITEMS**

- a. Discussion/Action regarding New Class B Beer and Soda License for Carol Ann's Pizza, 2935 Hubertus Road, Hubertus

Karen Hartfield 3167 Hwy 167 Richfield was present and offered information regarding her business.

Motion by Trustee Neu to approve the New Class B Beer and Soda License for Karen Hartfield of Carol Ann's Pizza, 2935 Hubertus Road, Hubertus, contingent upon the approval of the Conditional Use and the Plan of Operation, seconded by Trustee Brandner. Motion carried unanimously.


Motion by Trustee Brandner to hear item "g" next, seconded by Trustee Voss. Motion carried unanimously.

- g. Discussion/Action regarding Ordinance 2011-6-4 and Ordinance to create Chapter 47 of the Village of Richfield Code of Ordinances relating to a Property Maintenance Code.

Administrator Schoemann introduced Attorney Herbrand who summarized the revisions since the last meeting when the ordinance was before the Board. He explained that this is a minimum standards ordinance. The more subjective verbiage was revised to reflect a more concrete way to measure property deterioration. A discussion regarding giving the Village the ability to correct a violation took place.


Motion by Trustee Shea to approve Ordinance 2011-6-4, an Ordinance to create Chapter 47 of the Village of Richfield Code of Ordinances relating to a Property Maintenance Code, seconded by Trustee Neu. Motion carried unanimously.

- b. Discussion/Action regarding installation of boat launch at Bark Lake on East Shore Drive.

 Administrator Schoemann gave an overview of the issue. The two options would be for the DNR to construct and manage the boat launch, or the Village can lease and control the launch. The Village would initiate the engineering and construction, but a grant is available to cover the costs. Kathleen Wolski of the Department of Natural Resources was present and answered questions. There will be a maximum of five parking stalls and the hours of operation will be dawn to dusk. The Bark Lake Association President Vito Masrchesse submitted a letter as to what the Association is looking for. They would like to see no fishing from the pier, no camping, no camp

Village of Richfield
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7:30 pm

fires, no pets, no picnic accommodations, and no parking on East Shore Drive. If the Village leases the launch, they would be responsible for all upkeep and repairs. The Village may be able to take advantage of grants to pay for future repairs.

 Motion by Trustee Shea to authorize the Village Administrator to execute a lease agreement with the WIDNR to construct and maintain a boat launch on Bark Lake on the property owned by the Wisconsin DNR with the following conditions of approval:

1. The lease is contingent upon the Village of Richfield receiving grant funding to develop the site.
 2. The Village of Richfield will provide portable restroom facilities and lighting in compliance with Village Ordinances at the site.
 3. The amount of parking at the site will be mutually agreed upon prior to construction.
- Seconded by Trustee Voss. Motion carried 4-1 with Trustee Neu opposed.

- c. Discussion/Action regarding Resolution R2011-7-3, a resolution authorizing the placement of charges on property tax bills for landscaping services for 4333 Pleasant Hill Road, Richfield, and 4579 Cathedral Court, Richfield.

Community Services Coordinator Healy explained this topic and the Board discussed the fees.

Motion by Trustee Shea to approve resolution R2011-7-3, a resolution authorizing the placement of charges on property tax bills for landscaping services for the properties at 4333 Pleasant Hill Road (V10-0187-00G) and 4579 Cathedral Court (V10-0106-002), seconded by Trustee Brandner. Motion carried unanimously.

- d. Discussion/Action regarding Ordinance 2011-3-1, an Ordinance to create Section 2.05(E) of the Village of Richfield Code of Ordinances relating to Village Board power to authorize public works projects and limits on construction of certain non-emergency public works projects.

Administrator Schoemann stated that he is requesting that the Board table this item and would like a citizen committee appointed to review this ordinance.

Motion by Trustee Neu to direct the Village Administrator and Village President to coordinate a citizen committee to discuss ordinance 2.05(E) and (F) and present the final document no later than the August 18, 2011 meeting of the Village Board, seconded by Trustee Voss. Motion carried unanimously.

- e. Discussion /Action regarding Ordinance 2011-7-1, an Ordinance to repeal and recreate Section 2.01 of the Village of Richfield Code of Ordinances relating Code of Ethics.

President Jeffords introduced this item. Administrator Schoemann explained that state statutes for ethics still apply.

Motion by Trustee Voss to approve Ordinance 2011-7-1, an Ordinance to repeal and recreate Section 2.01 of the Village of Richfield Code of Ordinances relating to the Code of Ethics, seconded by Trustee Shea. Motion carried unanimously.

- f. Discussion/Action regarding Ordinance 2011-7-2 an Ordinance to repeal and recreate 6.02(H)(4)(b) regarding operator license review criteria.

This ordinance would remove the requirement to review the financial responsibility for the applicant.

Motion by Trustee Voss to approve Ordinance 2011-7-2 an Ordinance to repeal and recreate 6.02(H)(4)(b) regarding operator license review criteria, seconded by Trustee Neu. Motion carried unanimously.